



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खंड 26]

शिमला, शनिवार, 11 नवम्बर, 1978/20 कार्तिक, 1900

[संख्या 45

## विषय-सूची

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--	अनुपूरव	—

11 नवम्बर, 1978/20 कार्तिक, 1900 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'समाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
संख्या ई० एल० एन० ऊना (एफ)- 10-2/78-II, दिनांक 25 अक्टूबर, 1978.	कार्यालय जिलाधीश, ऊना	नगर पालिका ऊना के निर्वाचित सदस्यों के नामों की सूचना।
No. LLR-D (6) 32/78, dated 3rd November, 1978.	Law Department	The Himachal Pradesh Taxation (on Certain Goods Carried byroad) (Amendment) Act, 1978 (Act No. 37 of 1978).
No. TPT. 6-23/76, dated 3rd November, 1978.	Transport Department	Directions regarding the finalization of rates of fares for contract carriage special booking.
No. TPT. 6-3/76, dated 3rd November, 1978.	-do-	Fixation of Delux Bus Fare in Himachal Pradesh.
No. 7-12/78-Elec., dated 9th November, 1978.	Nirvachan Vibhag	Appointing of Deputy Commissioner Hamirpur for deciding the dispute relating to the election of Pradhan of Gram Panchayat, Saloh, Tehsil and District Una, under section 186 of the Panchayati Raj Act.
No. Pch. H. A. (4)-38/76-II, dated 9th November, 1978.	Panchayati Raj Department	Supersession of notification No. Pch. H.A. (4)-38/76, dated 11-5-78 for abolishing the Gram Shaba Sanwadhhar.
No. LLR-D (6) 40/78, dated 8th November, 1978.	Law Department	The Himachal Pradesh Appropriation Act, 1978, (Act No. 38 of 1978).

**भाग 1.—अधिकाधिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि**

**हिमाचल प्रदेश हाई कोर्ट**

**NOTIFICATIONS**

*Simla-1, the 30th October, 1978*

**No. HHC/GAZ/14-15/75-7279.**—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction for the grant of 8 days commuted leave with effect from 16-9-1978 to 23-9-1978 with permission to suffix Sunday 24-9-1978 in favour of Shri C. S. Sauhta, District and Sessions Judge, Solan and Sirmur districts at Nahan, Himachal Pradesh.

Certified that Shri Sauhta has joined the same post at the same station from where he had proceeded on leave.

Certified that Shri Souhta would have continued to hold the post of District and Sessions Judge, Solan and Sirmur districts but for his proceeding on leave.

By order,  
H. D. KAINTHLA,  
Registrar.

*Simla-1, the 1st November, 1978*

**No. HHC. Admn. 6 (24)/74-7337.**—In exercise of the powers vested in it under section 13 of the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976), the High Court of Himachal Pradesh in supersession of all previous notifications issued in this behalf is pleased to confer the Senior-Subordinate Judges of the First Class working in Himachal Pradesh with the jurisdiction of Judge of Court of Small Causes under the Provincial Small Cause Courts Act, 1887 for trial of suits upto the value of Rs. 1000/- within their respective territorial jurisdiction with effect from the date of publication of this notification in the Himachal Pradesh Rajpatra.

*Simla-1, the 1st November, 1978*

**No. HHC./Admn. 6 (24)/74-7348.**—In exercise of powers vested in it under section 265 of the Indian Succession Act (Act No. XXXIX of 1925) and in supersession of all previous notifications issued in this behalf, the High Court of Himachal Pradesh is pleased to appoint all the Subordinate Judges of the First Class in the State of Himachal Pradesh to act for the District Judges as the Delegates to grant probate and letters of administration in non-contentious cases within their local jurisdiction from the date of publication of this notification in the Himachal Pradesh Rajpatra.

*Simla-1, the 1st November, 1978*

**No. HHC. Admn. 6 (24)/74-7369.**—In exercise of the powers vested in it under section 4-A of the Guardian and Wards Act, 1890, read with section 14(1) of the Himachal Pradesh Courts Act, 1976 and in supersession of all previous notifications issued in this behalf, the High Court of Himachal Pradesh empowers all the Senior Subordinate Judges in Himachal Pradesh to dispose of any proceedings under the Guardian and Wards Act, 1890 within their local jurisdiction with effect from the date of publication of this notification in the Himachal Pradesh Rajpatra.

H. D. KAINTHLA,  
Registrar.

**हिमाचल प्रदेश सरकार**

**PERSONNEL (A-1) DEPARTMENT**

**NOTIFICATION**

*Simla-1, the 2nd November, 1978*

**No. 10-3/72-DP (Apptt. I).**—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri A. S. Rathore, Tehsildar, Karsog to be the Executive Magistrate, with all the powers of an Executive Magistrate under the said Code, to be exercised within the local limits of Tehsil Karsog, District Mandi, with immediate effect.

Sd/-  
Joint Secretary.

**CO-OPERATION DEPARTMENT**

**NOTIFICATION**

*Simla-171002, the 24th October, 1978*

**No. Cop-B (3)-5/76.**—In partial modification of this department notification No. 1-149/69-Cop-op(s), dated the 29th July, 1978 the Governor, Himachal Pradesh, is pleased to transfer the services of Shri V. S. Sidhu, District Co-operative and Supplies Officer (Special) Headquarter, Simla to the Animal Husbandry Department, Himachal Pradesh for appointment as Assistant Registrar, Animal Husbandry with effect from 17th August, 1978 (F. N.)

ANANG PAL,  
Secretary.

शिक्षा विभाग

अधिसूचनाएं

शिमला-2, 12 अक्टूबर, 1978

सं० 1-301/70-मैकट-एजू-I-भाग-II.—राज्यपाल हिमाचल प्रदेश महर्ष आदेश देते हैं कि श्री ए० एल० शर्मा, उप-जिला शिक्षा अधिकारी, शिमला 31-8-79 (दोपहर बाद) 58 वर्ष की आयु पूरी होने पर, सेवा निवृत्त हो जाएंगे।

शिमला-2, 12 अक्टूबर, 1978

संख्या 1-218/70-मैकट-एजू-ए भाग-II.—राज्यपाल, हिमाचल प्रदेश, महर्ष आदेश देते हैं कि श्री एच० एल० वेदी, उप-जिला शिक्षा अधिकारी, चम्बा, 58 वर्ष की आयु पूरी होने पर 31-8-1978 (बाद दोपहर) सेवा निवृत्त हो जाएंगे।

हस्ताक्षरित,  
सचिव।

निर्वाचन विभाग

अधिसूचनाएं

शिमला-171002, 27 अक्टूबर, 1978

संख्या 4-2/75-इर्वेक०-II.—जैसाकि नगरपालिका चम्बा के वार्ड नं० 1 में श्री मदन पाल मुपुत्र श्री छाजू राम के निर्वाचन को श्री बद्री नाथ मुपुत्र श्री ठाकुर दास, निवासी मुहल्ला खरुरा ने हिमाचल प्रदेश नगरपालिका निर्वाचन नियम, 1970 के नियम 88 के अन्तर्गत निर्वाचन याचिका द्वारा चुनौती दी है;



अतः अब हिमाचल प्रदेश नगरपालिका अधिनियम, 1968 की धारा 262 तथा हिमाचल प्रदेश नगरपालिका निर्वाचन नियम, 1970 के नियम 93 के अनुसरण में, राज्यपाल, हिमाचल प्रदेश जिला तथा सत्र न्यायाधीश (District and Session Judge), कांगड़ा-धर्मशाला को कथित निर्वाचन याचिका में लगाए गए आरोपों की जांच के लिए आयोग नियुक्त करते हैं।

शिमला-171002, 27 अक्तूबर, 1978

संख्या 4-2/75-इलेक0-II.—जैसाकि नगरपालिका डलहौजी के वार्ड नं० 2 में श्री संमार चन्द मुपुत्र श्री चुहू राम के निर्वाचन को श्री जौहार मुपुत्र श्री गुरदीता मन, निवासी लोहाली डलहौजी ने हिमाचल प्रदेश नगरपालिका निर्वाचन नियम, 1970 के नियम 88 के अन्तर्गत निर्वाचन याचिका द्वारा चुनौती दी है;

शिमला-171002, 27 अक्तूबर, 1978

संख्या 4-2/75-इलेक0-II.—जैसाकि नगरपालिका सोलन वार्ड नं० 7 से श्री हरनाम दास मुपुत्र श्री प्रेम दास ने निर्वाचन को श्री सिरि चन्द मुपुत्र श्री लच्छमन दास, गांव भटोया लोज सरखूलर रोड, सोलन ने हिमाचल प्रदेश नगरपालिका निर्वाचन नियम, 1970 के नियम 88 के अन्तर्गत निर्वाचन याचिका द्वारा चुनौती दी है;

अतः अब हिमाचल प्रदेश नगरपालिका अधिनियम, 1968 की धारा 262 तथा हिमाचल प्रदेश नगरपालिका निर्वाचन नियम, 1970 के नियम 93 के अनुसरण में, राज्यपाल, हिमाचल प्रदेश जिला तथा सत्र न्यायाधीश (District and Session Judge), नाहन को कथित निर्वाचन याचिका में लगाए गए आरोपों की जांच के लिए आयोग नियुक्त करते हैं।

हरि शंकर दूबे,  
सचिव।

# FOREST FARMING AND ENVIRONMENTAL CONSERVATION DEPARTMENT NOTIFICATIONS

Simla-171002, the 26th September, 1978

No. Fts. (B)7-9/74.—On the recommendation of the Departmental Promotion Committee and with the approval of the H.P. Public Service Commission, the Governor, Himachal Pradesh is pleased to appoint Shri Pishori Lal, Circle Superintendent, Nahan Circle as Superintendent (Gazetted) in the Forest Department in the pay scale of Rs. 450-800 (revised to Rs. 500-900) with effect from 29th September, 1977 till his appointment as registrar vide notification No. Fts. (B)6 8/76 dated 5-12-1977 read with notification No. Fts. (B)6-8/76 dated 22nd December, 1977.

शिमला-171002, 27 अक्तूबर, 1978

Simla-171002, the 4th October, 1978

No. 1-1/72-SF (Estt).—The Governor, Himachal Pradesh, is pleased to promote temporarily the following HPFS II Officers for a period of three months or till regularly selected officers are available, whichever is earlier, to the senior scale of the I. F. S. and post them against the cadre posts mentioned against each, with immediate effect :—

1. Shri Bahadur Singh, As D. F. O. Bilaspur vice TA to Conservator of Forests Chamba. Shri B. D. Bhartiya, who is holding additional charge.
2. Shri Vishal Singh, As D. F. O., Chopal. D. F. O. Publicity, Simla.
3. Shri Bhikham Singh, As D. F. O., Kotgarh. A. C. F., Chamba Division.

शिमला-171002, 27 अक्तूबर, 1978

संख्या 4-2/75-इलेक0-II.—जैसाकि नगरपालिका सोलन के वार्ड नं० 9 से श्री तुला राम मुपुत्र श्री मनसा राम के निर्वाचन को श्री राम कुमार मुपुत्र श्री बालमुकन्द, गांव सरखूलर रोड, सोलन ने हिमाचल प्रदेश नगरपालिका निर्वाचन नियम, 1970 के नियम 88 के अन्तर्गत निर्वाचन याचिका द्वारा चुनौती दी है;

Simla-171002, the 4th October, 1978

No. Fts (B) 6-2/78.—The Governor, Himachal Pradesh is pleased to order the following postings and transfers of HPFS II Officers, with immediate effect in public interest :—

1. Shri M. B. Srivastava, DFO Pangi as DFO Soil Conservation, Paonta Sahib.

अतः अब हिमाचल प्रदेश नगरपालिका अधिनियम, 1968 की धारा 262 तथा हिमाचल प्रदेश नगरपालिका निर्वाचन नियम, 1970 के नियम 93 के अनुसरण में, राज्यपाल, हिमाचल प्रदेश जिला तथा सत्र न्यायाधीश (District and Session Judge), नाहन को कथित निर्वाचन याचिका में लगाए गए आरोपों की जांच के लिए आयोग नियुक्त करते हैं।

2. Shri H. R. Arya, ACF attached to Collector (Forests) Mandi as DFO Publicity Simla.
3. Shri H. C. Tej, ACF Suket at Karsog as Depot Officer, Bilaspur (Simla Circle).
4. Shri B. S. Bhatia, Depot Officer, Bilaspur as TA to Conservator of Forests, Bilaspur.
5. Shri M. P. Singh, ACF Kulu Division as TA to Conservator of Forests, WP Circle, Simla.
6. Shri N. D. Ralli, ACF, Timber Extraction Division (H. P. State Forest Corporation), Kulu as ACF Wild Life, Manali.
7. Shri N. K. Bajpai, ACF Mandi Division as ACF Wild life, Simla.
8. Shri J. N. Geol, ACF Suket Division as ACF Nachan Working Plan Division, Mandi.

R. C. GUPTA,  
Secretary.

### HOME DEPARTMENT

#### NOTIFICATION

Simla, the 3rd October, 1978

No. Home (A)-7 (G)-13/75.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Himachal Pradesh Government at public expense for public purpose, namely for the construction of Police buildings in Mohal Schuin, Sub-Tehsil Bharmour, District Chamba, Himachal Pradesh it is hereby declared that the land described in the specification given below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Bharmour is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Sub-Divisional Officer (Civil)-cum-Land Acquisition Collector, Bharmour, District Chamba.

#### SPECIFICATION

District: CHAMBA Tehsil: BHARMOUR

Village	Khasra No.	Area Big. Bis.
SACHUIN	2970	0 11
	2969	0 6
	2964	0 3
	2955	0 9
	2962	0 9
Total		1 18

L. HMINGLIANA TOCHHAWNG,  
Chief Secretary.

### INDUSTRIES DEPARTMENT

#### NOTIFICATION

Simla-2, the 15th September, 1978

No. 9-41/75-SI(FC).—In pursuance of sub-section (1) of section 7 of the State Financial Corporations Act, 1951 (LXIII of 1951), the Governor, Himachal Pradesh is pleased to accord sanction for standing guarantee by the State Government to the repayment of principal amount and payment of interest thereon for raising loan from

the open market by way of floatation of bonds worth Rs. 75 lakhs, with an option to regain 10% extra subscription over the notified amount, to be issued by the Himachal Pradesh Financial Corporation during the current financial year with the prior approval of Reserve Bank of India/Industrial Development Bank of India. This guarantee is subject to the payment of guarantee fee at the prescribed rate of half a per cent ( $\frac{1}{2}\%$ ) by the Himachal Pradesh Financial Corporation to the State Government on the actual amount availed of against the bonds within one month from the date of issue of bonds.

By order,  
R. C. GUPTA,  
Secretary.

### PUBLIC WORKS DEPARTMENT

#### NOTIFICATIONS

Simla-171002, the 26th September, 1978

No. 9-9/73/PW 'B'.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Bagsiad to Shakawori road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provision of section 7 of the said Act, the Collector, Land Acquisition Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Mandi.

#### SPECIFICATION

District: MANDI Tehsil: CHACHHOT

Village	Khasra No.	Area	
		Big.	Bis.
SHARAN/96	459/1	0	0 7
	462/1	0	2 4
	460/1	0	0 6
	463/1	0	0 7
	461/1	0	1 0
	447/1	0	4 12
	458/1	0	1 11
	396/1	0	3 17
	398/1	0	3 17
	399	0	8 12
	401/1	0	4 8
	417/1	0	4 19
Total		1	16 0

By order,  
B. C. NEGI,  
Commissioner-cum-Secretary.

Simla-2, the 29th September, 1978

No. PBW-1-B(2)-1/77.—In continuation to this office notification of even number dated the 16th May, 1978, the Governor, Himachal Pradesh is pleased to extend the term of *ad hoc* promotion of Shri Ravi Chand Jain, Superintendent (Gazetted), to the post of Vigilance Officer in H.P. P.W.D. for another period of three months i.e. upto 15-11-1978.

2. The above *ad hoc* arrangement does not confer any right to Shri Ravi Chand Jain for his continued appointment against the post.

B. C. NEGI,  
Commissioner-cum-Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

AGRICULTURE DEPARTMENT  
NOTIFICATION

Chamba, the 29th September, 1978

No. Agr-SCS-CBA-2/78-79.—Whereas the District Land Development Committee, Chamba District, Chamba (Himachal Pradesh) has prepared the land Development Schemes under section 4 of the Himachal Pradesh Land Development Act, 1973, in respect of the area given against each scheme indicated in the list attached;

And whereas the State Government keeping in view the consents of persons aforesaid and after consideration the committee has sanctioned the schemes under section 5(2) of the said Act;

And whereas all the persons affected by the scheme and also the village concerned have consented to the execution of these schemes no objection received from the Agricultural Inspectors concerned;

Now, therefore, the schemes sanctioned by the committee under section 5(2) are hereby published in the Rajpatra, Himachal Pradesh for the information of concerned persons as required by section 6 of the said Act and it shall come into force immediately.

LIST OF SOIL CONSERVATION SCHEME APPROVED IN DISTRICT LAND DEVELOPMENT COMMITTEE, CHAMBA DISTRICT, CHAMBA (HIMACHAL PRADESH)

Sr. No.	Scheme No.	Name of Beneficiary	Village	Panchayat Circle	Khasra No.	Area under Planning (Hect.)	Total cost	Estimated Amount of		Work to be carried out
								Loan	Subsidy	
1	2	3	4	5	6	7	8	9	10	11
Tehsil: CHAMBA										
1.	SDR-CBA-218/78-79	Shri Rattan Chand	Bakani	Bakani	519/1, 672/1	0.54	2024.00	1012.00	1012.00	Reclamation
2.	SDR-CBA-219/78-79	Shri Krishan Chand	Dhredi	-do-	861/279, 863/591	0.57	1694.00	847.00	847.00	Remodelling
3.	SDR-CBA-220/78-79	Shri Dhundhiya	Galthan	Chatrari	328/1	0.16	900.00	450.00	450.00	Reclamation
4.	SDR-CBA-221/78-79	Shri Nidhiya Ram	Salag	Bhanota	384, 386	0.82	4610.00	2305.00	2305.00	-do-
5.	SDR-CBA-222/78-79	Shri Mahant	Seru	Drada	89, 112, 118, 212, 216, 255, 257, 258, 270, 293, 357, 395, 401.	0.66	2470.00	1235.00	1235.00	Remodelling
6.	SDR-CBA-223/78-79	Shri Ghajo	Kumahrka	Uteep	650/627/2	0.16	900.00	450.00	450.00	Reclamation
7.	SDR-CBA-224/78-79	Shri Chien	Sarol	Sarol	643/615	0.33	1236.00	618.00	618.00	Remodelling
8.	SDR-CBA-225/78-79	Shri Fajaldin urf Fajju	Guwar	Kiri	688/678/369	0.89	5000.00	2500.00	2500.00	Reclamation
9.	SDR-CBA-226/78-79	Shri Hushyaru	Sach	Sach	1016, 1017	0.49	1836.00	918.00	918.00	Remodelling
10.	SDR-CBA-227/78-79	Shri Amaro	Mandoo	Uteep	343, 523/381	0.26	974.00	487.00	487.00	-do-
11.	SDR-CBA-228/78-79	Shri Machalu	Sarol	Kiri	629/617/590, 617/590/1, 292, 308, 289, 276.	0.66	2474.00	1237.00	1237.00	-do-
12.	SDR-CBA-229/78-79	Shri Mali	Kakian	Uteep	62, 64, 68	0.30	1124.00	562.00	562.00	-do-
13.	SDR-CBA-230/78-79	Shri Bhudhia Ram	Bhuja	-do-	622	0.30	1124.00	562.00	562.00	Reclamation
14.	SDR-CBA-231/78-79	Shri Nihala Ram	Nihur	Sirh	126	0.70	3936.00	1968.00	1968.00	-do-
15.	SDR-CBA-232/78-79	Smt. Chhachho Devi	Chihal	Chihal	398/1, 416	0.27	1518.00	759.00	759.00	-do-
16.	SDR-CBA-233/78-79	Shri Chatro	Bangla.	Uteep	106/1	0.25	1406.00	703.00	703.00	-do-
17.	SDR-CBA-234/78-79	Shri Mohani	Kumahrka	Pukhri	72, 326/1	0.76	4274.00	2137.00	2137.00	-do-
18.	SDR-CBA-235/78-79	Shri Bansu	Kumahrka	Uteep	653/648/1, 645/193/1	0.57	3206.00	1603.00	1603.00	-do-
Total ..						8.69	40706.00	20353.00	20353.00	

1	2	3	4	5	6	7	8	9	10	11
19.	SDR-CBA-209/78-79	Shri Tarlok Singh	Gehra	Gehra	369, 373, 378, 415, 469, 475, 489, 523, 526, 1093, 1112, 1139, 17, 23, 43, 62, 79, 91, 92, 265, 274, 291.	0.94	2850.00	1425.00	1425.00	Reclamation work on flood damaged land.
20.	SDR-CBA-210/78-79	Shri Lokinder Singh	-do-	-do-	402, 408, 439, 443, 446, 457, 465, 466, 472, 476, 495, 8073, 1101, 1843/1119, 1129/433, 356, 364, 365, 374, 377, 381, 1839/388, 222, 257, 285, 292, 299, 8, 9, 9, 22/2, 29, 31, 37, 39, 10, 95, 1131, 1136, 1237, 41250, 1261, 1268.	3.04	5236.00	2618.00	2618.00	-do-
21.	SDR-CBA-211/78-79	Shri Karam Chand	-do-	-do-	348, 349, 363, 266, 267/1, 270, 1834/342, 343, 347, 123, 139, 140, 145, 147, 150.	0.16	900.00	450.00	450.00	-do-
22.	SDR-CBA-212/78-79	Shri Prabhu	-do-	-do-	254, 293, 360, 361, 440, 459, 480, 484, 486, 494, 1842/1119, 1129, 1130, 15, 24, 42, 72.	2.46	5850.00	2925.00	2925.00	-do-
23.	SDR-CBA-213/78-79	Shri Narpat	-do-	-do-	134, 138	0.54	2750.00	1375.00	1375.00	-do-
24.	SDR-CBA-214/78-79	Shri Vartia	-do-	-do-	1846/112	0.34	1428.00	714.00	714.00	-do-
25.	SDR-CBA-215/78-79	Shri Jaram Singh	-do-	-do-	22/1, 25, 46, 67, 81, 93, 131, 169, 261, 287, 289, 308, 372, 379, 412, 467, 499, 1124, 1141, 1350.	1.74	4480.00	2240.00	2240.00	-do-
26.	SDR-CBA-216/78-79	Shri Ranjhu	-do-	-do-	110/1, 110/2, 281, 416, 448, 303.	0.31	1240.00	620.00	620.00	-do-
27.	SDR-CBA-217/78-79	Shri Karam Singh	-do-	-do-	149/1	0.20	1124.00	562.00	562.00	-do-
Total						..	9.73	25858.00	12929.00	12929.00

## Tehsil: BHATTIYAT

1.	BHYT-CBA-109/78-79	Shri Praveen	Jandrog	Jandrog	693/1	0.16	900.00	450.00	450.00	Reclamation
2.	BHYT-CBA-110/78-79	Shri Bhanato	-do-	-do-	176/1, 213	0.25	1124.00	562.00	562.00	-do-
3.	BHYT-CBA-111/78-79	Shri Bhim Singh	-do-	-do-	1187/11/1, 155/1, 155/2.	0.12	674.00	337.00	337.00	-do-
4.	BHYT-CBA-112/78-79	Shri Balo	Rupaina	Manuhata	563, 1031/1	0.16	750.00	375.00	375.00	Rem & Rec.
5.	BHYT-CBA-113/78-79	Shri Chaman Singh	Doth	Raipur	1280/1	0.34	1640.00	820.00	820.00	Reclamation
6.	BHYT-CBA-114/78-79	Shri Madho w/f. Madho Ram.	Manuhata	Manuhata	23/1, 44/1, 58/1.	0.42	2300.00	1150.00	1150.00	-do-
7.	BHYT-CBA-115/78-79	Shri Santo	Bhagdotra	Banet	403, 438	0.30	1686.00	843.00	843.00	-do-
8.	BHYT-CBA-116/78-79	Shri Kunji Lal	Tikari	Tikari	838/1	0.40	2250.00	1125.00	1125.00	-do-
9.	BHYT-CBA-117/78-79	Shri Bishan Dass	Bhatoli	Kakira	548, 549	0.55	3100.00	1550.00	1550.00	-do-

10.	BHYT-CBA-118/78-79	Shri Munshi Ram	Kahari	Kahari	1174, 1203, 1237, 1182, 1200, 1304.	1175, 1221, 1238, 1184, 1233,	0.61	2810.00	1405.00	1405.00	Rec. & Rem.
11.	BHYT-CBA-119/78-79	Shri Rafal	Thanoli	Kudi	830/707		0.24	1350.00	675.00	675.00	Reclamation
12.	BHYT-CBA-120/78-79	Shri Shamsher Singh	Balu	Garmota	687 min.	740	0.29	1086.00	543.00	543.00	-do-
13.	BHYT-CBA-121/78-79	Shri Jaishi Ram	Sailla	Banet	592/2		0.28	1574.00	787.00	787.00	-do-
14.	BHYT-CBA-122/78-79	Shri Gopi	Chakki	Jandrog	1028/1		0.40	2220.00	1110.00	1110.00	-do-
Total							4.52	23574.00	11787.00	11787.00	
Tehsil: PANGI											
1.	PNG-CBA-202/78-79	Shri Shambhu Ram	Dhanala	Sachu	113, 121, 140, 148, 152, 160.		1.37	6848.00	1712.00	5136.00	Remodelling
2.	PNG-CBA-203/78-79	Shri Hukum Chand etc.	Kawas	Karyas	75, 78, 276, 565, 624.		1.20	6000.00	1500.00	4500.00	-do-
3.	PNG-CBA-204/78-79	Shri Suba Ram	-do-	-do-	77, 78, 104, 161, 359, 436, 579.		0.55	2748.00	687.00	2061.00	-do-
4.	PNG-CBA-205/78-79	Shri Singara	Praygran	-do-	63, 74, 116		0.84	4200.00	1050.00	3150.00	-do-
5.	PNG-CBA-206/78-79	Shri Shiv Lal	Punto	-do-	25, 172, 173, 257, 27, 63, 64, 175, 254, 357/51.		1.56	8664.00	2156.00	6498.00	-do-
6.	PNG-CBA-207/78-79	Shri Kishan Chand	-do-	-do-	28, 33, 155, 270, 273.		0.84	4200.00	1050.00	3150.00	-do-
7.	PNG-CBA-208/78-79	Shri Rattan Dass	-do-	-do-	10, 11, 16, 20, 21, 23.		0.73	3648.00	912.00	2736.00	-do-
8.	PNG-CBA-209/78-79	Shri Brij Lal	Ghangeet	-do-	293		0.22	1100.00	275.00	825.00	-do-
9.	PNG-CBA-210/78-79	Shri Karam Chand	-do-	-do-	120, 220, 221		0.50	2500.00	625.00	1875.00	-do-
10.	PNG-CBA-211/78-79	Shri Prem Lal, Nekh Ram.	Hungal	-do-	5, 43, 79, 82, 83, 96, 191, 423.		0.80	4000.00	1000.00	3000.00	-do-
11.	PNG-CBA-212/78-79	Shri Rup Singh	Praghwai	-do-	207/2		0.40	2500.00	625.00	1875.00	-do-
12.	PNG-CBA-213/78-79	Smt. Gangi	Sural	Dharwas	514/1		0.26	1624.00	406.00	1218.00	-do-
13.	PNG-CBA-214/78-79	Shri Bodh Raj, Ram Saran.	Rusmus	-do-	149, 222, 362		0.75	3748.00	937.00	2811.00	-do-
14.	PNG-CBA-215/78-79	Shri Gian Chand	-do-	-do-	98, 189, 458/361, 389.		0.32	1600.00	400.00	1200.00	-do-
15.	PNG-CBA-216/78-79	Shri Nur Dai	Challoli	-do-	135, 136, 150, 95.		0.72	3600.00	900.00	2700.00	-do-
16.	PNG-CBA-217/78-79	Shri Shiv Ram	Kuthah	-do-	61, 447/132, 169.		1.02	5100.00	1275.00	3825.00	-do-
17.	PNG-CBA-218/78-79	Shri Lekh Chand	Dharwas	-do-	26, 142, 266, 355, 358.		0.69	3368.00	842.00	2526.00	-do-
18.	PNG-CBA-219/78-79	Shri Parm Chand etc.	-do-	-do-	234, 253, 354, 234, 106, 123, 335.		2.00	10000.00	2500.00	7500.00	-do-

1	2	3	4	5	6	7	8	9	10	11
19.	PNG-CBA-220/78-79	Shri Sham Lal	Dharwas	Dharwas	471/437/1, 431400/1.	0.30	1872.00	468.00	1404.00	Reclamation.
20.	PNG-CBA-221/78-79	Shri Dharam Singh etc.	-do-	-do-	97, 185	0.64	3200.00	800.00	2400.00	Remodelling.
21.	PNG-CBA-222/78-79	Shri Siri Ram etc.	-do-	-do-	77, 339	0.35	1748.00	437.00	1311.00	-do-
22.	PNG-CBA-223/78-79	Shri Kantha	-do-	-do-	38, 42, 131, 359, 361.	0.37	1848.00	462.00	1386.00	-do-
23.	PNG-CBA-224/78-79	Smt. Sum dai	Luj	-do-	201, 259	0.53	2648.00	662.00	1986.00	-do-
24.	PNG-CBA-225/78-79	Shri Peer Chand	Hungal	Karyas	218/1, 232	0.53	2648.00	662.00	1986.00	-do-
25.	PNG-CBA-226/78-79	Shri Mangal Chand	Chasak	Sachu	469/1	0.97	6060.00	1515.00	4545.00	Reclamaion.
26.	PNG-CBA-227/78-79	Shri Chain Lal	-do-	-do-	468	0.65	4032.00	1008.00	3024.00	-do-
27.	PNG-CBA-228/78-79	Shri Jawahar Chand	-do-	-do-	450/3, 469/3	0.28	1748.00	437.00	1311.00	-do-
28.	PNG-CBA-229/78-79	Shri Bhim Sen	-do-	-do-	850/2	0.28	1748.00	437.00	1311.00	-do-
29.	PNG-CBA-230/78-79	Shri Sher Chand	-do-	-do-	802, 808, 814, 816.	1.12	5600.00	1400.00	4200.00	Remodelling.
30.	PNG-CBA-231/78-79	Shri Mohan Lal	Shalli	-do-	119, 160	0.67	3348.00	837.00	2511.00	-do-
31.	PNG-CBA-232/78-79	Shri Shiv Lal etc.	Ghangheet	Karyas	20, 103, 105, 123, 202, 235.	0.65	3248.00	812.00	2436.00	-do-
Total						22.11	115196.00	28799.00	86397.00	

## Tehsil: BHARMOUR

1.	BMR-CBA-336/78-79	Shri Bhagat	Anderla- gram.	Holi	196, 733	0.69	3448.00	862.00	2586.00	Reclamation.
2.	BMR-CBA-337/78-79	Shri Dleepa	Lambu	Chanota	1057, 1077, 1087, 1095, 1527, 1889, 1813, 1907, 1921, 1972.	1.36	6800.00	1700.00	5100.00	Remodelling.
3.	BMR-CBA-338/78-79	Shri Kanker	Bejol	Bajol	742	0.46	2300.00	575.00	1725.00	-do-
4.	BMR-CBA-339/78-79	Shri Jonji	Garhla	Kulath	502	0.26	1624.00	406.00	1218.00	Reclamation.
5.	BMR-CBA-340/78-79	Shri Punjab Ram etc.	Kulth Gumar.	-do-	44 min, 780 min, 1113 min, 197, 447, 981, 23, 283, 44 min, 780 min, 1113 min.	1.00	5000.00	1250.00	3750.00	Remodelling.
6.	BMR-CBA-341/78-79	Shri Jonji Ram	Kalah	Holi	421/1	0.13	812.00	203.00	609.00	Reclamation.
7.	BMR-CBA-342/78-79	Shri Godham Biant	-do-	-do-	4	0.23	1148.00	287.00	861.00	Remodelling.
8.	BMR-CBA-343/78-79	Shri Prehlad	Holim	-do-	715, 719	0.22	1100.00	275.00	825.00	-do-
9.	BMR-CBA-344/78-79	Shri Ravan	-do-	-do-	710, 711, 712, 713.	0.22	1140.00	285.00	855.00	-do-
10.	BMR-CBA-345/78-79	Smt. Lalha	Kalah	Holi	131, 120	0.50	2600.00	650.00	1950.00	Re.
11.	BMR-CBA-346/78-79	Shri Sarwan	-do-	-do-	2429/1, 2566/2, 430/1.	0.04	248.00	62.00	186.00	Rem. & Rec-
12.	BMR-CBA-347/78-79	Shri Hari Ram	Guwar	Kulath	1463, 1466, 4119.	0.27	1348.00	337.00	1011.00	Remodelling.
13.	BMR-CBA-348/78-79	Shri Mohan	-do-	-do-	2990, 2999, 3004.	0.15	748.00	187.00	561.00	-do-

14.	BMR-CBA-349/78-79	Shri Acher	-do- (Guwahla)	-do-	1532, 1580, 1588, 80, 93, 704, 1017.	0.32	1600.00	400.00	1200.00	-do-
15.	BMR-CBA-350/78-79	Shri Lala, Nihall etc.	-do-	-do-	2560, 2562, 2590, 2475, 2450, 2389, 2278.	0.48	2400.00	600.00	1800.00	-do-
16.	BMR-CBA-351/78-79	Shri Mohan	-do-	-do-	523/1	0.29	1812.00	453.00	1359.00	Reclamation.
17.	BMR-CBA-352/78-79	Shri Dharam Chand	-do- (Deol)	-do-	1522, 1613, 1872, 4159, 4173.	0.24	1200.00	300.00	900.00	Remodelling.
18.	BMR-CBA-353/78-79	Shri Badri	Deol (Guwar)	Deol	2069, 3308, 222, 223.	0.44	2200.00	550.00	1650.00	-do-
19.	BMR-CBA-354/78-79	Shri Tani Ram	-do-	-do-	281, 342, 2264, 1783.	0.92	4600.00	1150.00	3450.00	-do-
20.	BMR-CBA-355/78-79	Shri Chand	-do-	-do-	264, 339, 353, 1758, 1786.	0.48	2400.00	600.00	1800.00	-do-
21.	BMR-CBA-356/78-79	Shri Dhogru etc.	-do-	-do-	1410, 1170	0.52	2600.00	650.00	1950.00	-do-
22.	BMR-CBA-357/78-79	Shri Bochu alias Suriya	-do-	-do-	1499, 1500, 1505.	0.21	1048.00	262.00	786.00	-do-
23.	BMR-CBA-358/78-79	Shri Dalati	-do-	-do-	294, 1827, 1969, 1968.	0.18	900.00	225.00	675.00	-do-
24.	BMR-CBA-359/78-79	Shri Haniya	-do-	-do-	1393, 1400, 1764, 2148, 2234.	0.56	2700.00	675.00	2025.00	-do-
25.	BMR-CBA-360/78-79	Shri Shambu	-do-	-do-	937, 938, 1521, 1522.	0.60	3000.00	750.00	2250.00	-do-
26.	BMR-CBA-361/78-79	Shri Jagat Ram	-do-	-do-	220	0.40	2000.00	500.00	1500.00	-do-
27.	BMR-CBA-362/78-79	Shri Mangu Ram	-do-	-do-	1586/1582/1	0.07	436.00	109.00	327.00	Reclamation.
28.	BMR-CBA-363/78-79	Shri Jhajan Ram	Kulath Banun	Kulath Holi	744/645/1, 744/645/2.	0.33	2060.00	515.00	1545.00	-do-
29.	BMR-CBA-364/78-79	Shri Raghu Ram	Deoki	Khani	777	0.26	1300.00	325.00	975.00	Remodelling.
30.	BMR-CBA-365/78-79	Shri Dharmu etc.	Hadsar	Hadsar	530, 531, 532, 564.	0.38	1900.00	475.00	1425.00	-do-
31.	BMR-CBA-366/78-79	Shri Jagato	-do-	-do-	431, 23, 24, 26, 30.	0.10	500.00	125.00	375.00	-do-
32.	BMR-CBA-367/78-79	Shri Charan Dass	-do-	-do-	326, 140, 498, 449.	0.44	1660.00	415.00	1245.00	-do-
33.	BMR-CBA-368/78-79	Shri Butta	-do-	-do-	117, 139, 143, 312, 322, 442, 472, 540, 546.	0.60	3000.00	750.00	2250.00	-do-
34.	BMR-CBA-369/78-79	Shri Jaishi	-do-	-do-	281, 443, 327, 516, 518, 519.	0.56	2400.00	600.00	1800.00	-do-
35.	BMR-CBA-370/78-79	Shri Jarmo and Brother	-do-	-do-	487, 489, 490	0.74	3700.00	925.00	2775.00	-do-
36.	BMR-CBA-371/78-79	Shri Prithiya	-do-	-do-	304/1, 6/1, 183/1.	0.28	1748.00	437.00	1311.00	Reclamation.
37.	BMR-CBA-372/78-79	Shri Dhedi	-do-	-do-	14, 36, 37, 73, 85, 173, part of Khatoni 8/28.	0.32	1600.00	400.00	1200.00	Remodelling.
38.	BMR-CBA-373/78-79	Shri Sukh Dev	-do-	-do-	53/1	0.26	1600.00	400.00	1200.00	Reclamation.
39.	BMR-CBA-374/78-79	Shri Bakilo Ram etc.	-do-	-do-	77, 477, 504	0.50	2500.00	625.00	1875.00	Remodelling.

1	2	3	4	5	6	7	8	9	10	11	
40.	BMR-CBA-375/78-79	Shri Jagat Ram	urf. Jagat	Seerad	Pulin	656/1	0.52	3248.00	812.00	2436.00	Remodelling
41.	BMR-CBA-376/78-79	Shri Gurku	-do-	-do-	Khani	656/1	0.32	2000.00	500.00	1500.00	-do-
42.	BMR-CBA-377/78-79	Shri Chuhnu Ram	Bharmour	Bharmour	969, 971	0.11	548.00	137.00	411.00	-do-	
43.	BMR-CBA-378/78-79	Shri Moti Ram	-do-	-do-	1744/219/1	0.12	748.00	187.00	561.00	Reclamation.	
44.	BMR-CBA-379/78-79	Shri Gorakh	Mandho	Chobia	85	0.26	1624.00	406.00	1218.00	-do-	
45.	BMR-CBA-380/78-79	Shri Dewana	-do-	-do-	666/1	0.14	872.00	218.00	654.00	-do-	
46.	BMR-CBA-381/78-79	Shri Makholi Ram	-do-	-do-	130	0.20	1248.00	312.00	936.00	-do-	
47.	BMR-CBA-382/78-79	Shri Chatro	-do-	-do-	1025/920/3	0.28	1748.00	437.00	1311.00	-do-	
48.	BMR-CBA-383/78-79	Shri Prem Lal	-do-	-do-	1025/920/1	0.12	748.00	187.00	561.00	-do-	
49.	BMR-CBA-384/78-79	Shri Guhlu Ram	Mandho	Chobia	618/1	0.16	1000.00	250.00	750.00	-do-	
50.	BMR-CBA-385/78-79	Shri Bhagal	-do-	-do-	338	0.12	600.00	150.00	450.00	Remodelling.	
51.	BMR-CBA-386/78-79	Shri Sihar	-do-	-do-	1023/920, 1016/610.	0.12	600.00	150.00	450.00	-do-	
52.	BMR-CBA-387/78-79	Shri Abtu	-do-	-do-	1025/920/1	0.84	524.00	131.00	393.00	Reclamation.	
53.	BMR-CBA-388/78-79	Shri Magji Ram	-do-	-do-	919	0.12	748.00	187.00	561.00	-do-	
54.	BMR-CBA-389/78-79	Shri Roshan	Malkota	Bharmour	2659	0.22	1100.00	275.00	825.00	-do-	
55.	BMR-CBA-390/78-79	Shri Nath Ram etc.	-do-(Goshan)	-do-	3063/2772, 1123.	0.27	1348.00	337.00	1011.00	-do-	
56.	BMR-CBA-391/78-79	Shri Hari Singh	-do-	-do-	2653, 771	0.05	248.00	62.00	186.00	-do-	
57.	BMR-CBA-392/78-79	Shri Bhagat Ram	-do-	-do-	1408, 2295, 2305, 2261.	0.36	1800.00	450.00	1350.00	-do-	
58.	BMR-CBA-393/78-79	Shri Daulat Ram	-do-	-do-	101, 164, 176	0.13	648.00	162.00	486.00	-do-	
59.	BMR-CBA-394/78-79	Shri Mohan	-do-	-do-	1482, 1725, 2387.	0.22	1100.00	275.00	825.00	-do-	
60.	BMR-CBA-395/78-79	Shri Waziru and Chota	Chobia	Chobia	1, 32, 647, 888.	0.50	2500.00	625.00	1875.00	-do-	
61.	BMR-CBA-396/78-79	Shri Chand	-do-	-do-	4, 286, 1108	0.32	1600.00	00	2100.00	-do-	
62.	BMR-CBA-397/78-79	Shri Tutha Ram	-do-	-do-	7, 765	0.34	1700.00	425.00	1275.00	-do-	
63.	BMR-CBA-398/78-79	Shri Tutha Ram	-do-	-do-	537	0.28	1400.00	350.00	1050.00	-do-	
64.	BMR-CBA-399/78-79	Shri Tutha Ram	-do-	-do-	1662, 1599, 1743, 656, 957.	0.28	1400.00	350.00	1050.00	-do-	
65.	BMR-CBA-400/78-79	Shri Puran	Pulin	Pulin	32, 925, 883, 1000, 1016, 87, 47, 38, 2115, 33.	0.23	1148.00	287.00	861.00	-do-	
66.	BMR-CBA-401/78-79	Shri Chaheha	Suppa	Ghared	848/812/1	0.70	4372.00	1093.00	3279.00	Reclamation.	
67.	BMR-CBA-402/78-79	Shri Moti	Sarautha	Tundah	831, 851, 852, 858, 856, 859, 861, 863, 866, 872, 892/1.	0.66	3300.00	825.00	2475.00	Remodelling.	
68.	BMR-CBA-403/78-79	Smt. Kenya	Panjsai	Gharer	147/1, 163/1	0.24	1500.00	375.00	1125.00	Reclamation.	
69.	BMR-CBA-404/78-79	Shri Magji Ram etc.	Badhai	Grilia	1024, 1008, 997.	0.28	1400.00	350.00	1050.00	Remodelling.	
70.	BMR-CBA-405/78-79	Shri Ravan	Dhar	Jagat	32/1	0.34	1700.00	425.00	1275.00	-do-	
71.	BMR-CBA-406/78-79	Shri Jhalar	Khapru. Serkau	Chobia	49, 47, 96, 315, 316, 431/1, 436, 355/1, 356/1.	0.38	1960.00	490.00	1470.00	-do-	



72.	BMR-CBA-407/78-79	Shri Chamaru etc.	Lahal	Khani	1273, 1276, 1286, 1301, 1304, 1306, 1307.	1.15	5748.00	1437.00	4311.00
73.	BMR-CBA-408/78-79	Shri Ambo & Brothers	Sachuin	Bharmour	551, 1109, 1209, 1290.	0.60	3000.00	750.00	2250.00
74.	BMR-CBA-409/78-79	Shri Jihari	-do-	-do-	444, 889, 1967	0.13	648.00	162.00	486.00
75.	BMR-CBA-410/78-79	Shri Bidhia	-do-	-do-	2637.	0.26	1300.00	325.00	975.00
76.	BMR-CBA-411/78-79	Shri Parshotam, Dharma etc.	Upper Kugati	Kugati	1205, 1206/1, 1686/1566.	0.51	2648.00	662.00	1986.00
77.	BMR-CBA-412/78-79	Shri Kala	-do-	-do-	1207/1, 19/1	0.70	4372.00	1093.00	3279.00
78.	BMR-CBA-413/78-79	Shri Atma Ram	Upper Kugti	Kugti	703, 996, 1005, 1248, 1004.	0.22	1100.00	275.00	825.00
79.	BMR-CBA-414/78-79	Shri Doom	-do-	-do-	497, 501, 504, 506, 846.	0.78	3900.00	975.00	2925.00
80.	BMR-CBA-415/78-79	Shri Dina Nath & Jagia	-do-	-do-	493, 498, 106, 236, 490, 492, 499, 239, 489, 1407, 1408, 237, 481.	0.70	3200.00	800.00	2400.00
81.	BMR-CBA-416/78-79	Shri Bhagal	Bilmui	Hadsar	362, 389, 465, 481, 369, 365, 480.	0.37	1848.00	462.00	1386.00
82.	BMR-CBA-417/78-79	Shri Guria and Kashi	-do-	-do-	207, 211, 319, 315, 316.	0.62	3100.00	775.00	2325.00
83.	BMR-CBA-418/78-79	Shri Tani Ram	-do-	-do-	653/304/1	0.26	1624.00	406.00	1218.00
84.	BMR-CBA-419/78-79	Shri Moti	-do-	-do-	183/1	0.10	624.00	156.00	468.00
85.	BMR-CBA-420/78-79	Shri Dhano	-do-	-do-	61, 653/304/1, 653/304/2, 653 / 304 / 3, 653 / 304 / 2, 653/304/1.	0.82	5124.00	1281.00	3843.00
86.	BMR-CBA-421/78-79	Shri Hodi	-do-	-do-	380/1	0.16	1000.00	250.00	750.00
87.	BMR-CBA-422/78-79	Shri Karmu	Lower Kugati.	Kugati	116, 740, 1287	0.24	1200.00	300.00	900.00
88.	BMR-CBA-423/78-79	Shri Jodha Ram etc.	-do-	-do-	309, 311, 312, 321, 351, 600, 851, 852, 1297, 1302.	1.51	7500.00	1875.00	5625.00
89.	BMR-CBA-424/78-79	Shri Murli	-do-	-do-	58, 105, 97, 857, 858, 1152.	0.52	1300.00	325.00	975.00
90.	BMR-CBA-425/78-79	Shri Bhagal Ram	-do-	-do-	608, 765, 1163, 1165, 1166, 1182, 1184.	1.00	5000.00	1250.00	3750.00
91.	BMR-CBA-426/78-79	Shri Puran etc.	-do-	-do-	788, 1184, 1183, 1185.	0.19	948.00	237.00	711.00
92.	BMR-CBA-427/78-79	Shri Khoji	-do-	-do-	589, 1138, 1139, 1140.	0.82	4100.00	1025.00	3075.00
93.	BMR-CBA-428/78-79	Shri Raghu Nath	-do-	-do-	430, 686, 687, 688, 689, 891, 892, 893, 902, 402, 427, 429.	0.72	3600.00	900.00	2700.00

1	2	3	4	5	6	7	8	9	10	11
94.	BMR-CBA-429/78-79	Shri Madho Ram etc.	Lower Kugati	Kugati	187, 235, 353, 1127, 356.	1.28	6400.00	1600.00	4800.00	
95.	BMR-CBA-430/78-79	Shri Rummi	-do-	-do-	391, 707	0.38	1900.00	475.00	1425.00	
96.	BMR-CBA-431/78-79	Shri Wazir Chand	-do-	-do-	180, 514, 518/1, 863, 864.	0.38	1900.00	475.00	1425.00	
97.	BMR-CBA-432/78-79	Shri Shankar Dass	-do-	-do-	609, 663, 664, 713, 714, 1136.	0.55	2700.00	675.00	2025.00	
98.	BMR-CBA-433/78-79	Shri Jigari Ram	-do-	-do-	169, 372	0.12	600.00	150.00	450.00	
99.	BMR-CBA-434/78-79	Shri Ram Ditta	-do-	-do-	388, 1119, 1169, 1194.	0.78	3900.00	975.00	2925.00	
100.	BMR-CBA-435/78-79	Shri Dhania	-do-	-do-	219, 662, 860, 862, 865, 1201, 1202.	0.50	2500.00	625.00	1875.00	
101.	BMR-CBA-436/78-79	Shri Neeru Ram	-do-	-do-	657, 827	0.34	1700.00	425.00	1275.00	
102.	BMR-CBA-437/78-79	Shri Ravan	-do-	-do-	273, 751, 753	0.54	2700.00	675.00	2025.00	
103.	BMR-CBA-438/78-79	Shri Foji	Goshan	Bharmour	1105/2	0.14	872.00	218.00	654.00	
104.	BMR-CBA-439/78-79	Shri Kirpa Ram	-do-	-do-	778, 937	0.14	700.00	175.00	525.00	
105.	BMR-CBA-440/78-79	Shri Rajgari urf. Lalu	Rajour	Praghala	21	0.28	1400.00	350.00	1050.00	
106.	BMR-CBA-441/78-79	Shri Chandu Lal	-do-	-do-	678/475/1	0.38	2372.00	593.00	1779.00	
107.	BMR-CBA-442/78-79	Shri Kheri	Gharer	Gharer	590, 591	0.16	800.00	200.00	600.00	
108.	BMR-CBA-443/78-79	Shri Rasila Ram	-do-	-do-	112/1, 1208/ 460/1, 749/1.	0.28	1748.00	437.00	1311.00	
109.	BMR-CBA-444/78-79	Shri Chatro	-do-	-do-	701, 709, 714, 720, 764, 768.	0.18	900.00	225.00	675.00	
110.	BMR-CBA-445/78-79	Shri Murli	-do-	-do-	492, 1008, 1201, 1208/ 460/1.	0.30	1624.00	406.00	1218.00	
111.	BMR-CBA-446/78-79	Shri Dhami Ram	-do-	-do-	664/1	0.27	1688.00	422.00	1266.00	
112.	BMR-CBA-447/78-79	Shri Brahmo urf. Brahm	Urei	Jagat	1803, 1805, 1851, 1853, 1872, 1876, 1892.	0.12	600.00	150.00	450.00	
113.	BMR-CBA-448/78-79	Shri Sheru	-do-	-do-	12, 112, 147, 1021 1/2 part,	0.76	3800.00	950.00	2850.00	
114.	BMR-CBA-449/78-79	Shri Billa	-do-	-do-	1273, 1508, 1576, 1674, 1689, 1721, 1791, 1796.	0.19	948.00	237.00	711.00	
115.	BMR-CBA-550/78-79	Shri Kewal	-do-	-do-	135, 131, 140, 167, 177, 203, 248, 351, 442, 447, 593, 594, 597, 704, 706, 708, 743, 748. 814, 1026, 1068, 1071.	0.50	2400.00	600.00	1800.00	

116.	BMR-CBA-451/78-79	Shri Tek Chand urf. Teku.	-do-	-do-	1351, 1914/ 1969, 1916/ 1484, 1918/ 1906, 1919/ 1906, 29/50.	0.40	1800.00	450.00	1350.00	
117.	BMR-CBA-452/78-79	Shri Gouri	-do-	-do-	1241, 1243, 1344, 1395, 1397, 1541, 1590, 1716, 1730, 1302, 1350, 1912/1352.	0.22	1100.00	275.00	825.00	
118.	BMR-CBA-453/78-79	Shri Bidho urf. Bidhia	-do-	-do-	1921/1484, 1273, 1508, 1576, 1674, 1680, 1727, 1791, 1786.	0.54	2700.00	675.00	2025.00	
119.	BMR-CBA-454/78-79	Shri Bhagato and Chand	-do-	-do-	909/1	0.48	3000.00	750.00	2250.00	
120.	BMR-CBA-455/78-79	Shri Beli	-do-	-do-	278, 157	0.50	2800.00	700.00	2100.00	Remodelling.
121.	BMR-CBA-456/78-79	Shri Ram Saran	Ulasa	Ulasa	719	0.28	1320.00	330.00	990.00	-do-
122.	BMR-CBA-457/78-79	Shri Rath	Garola	Garola	1688/1, 1692/2	0.24	1440.00	360.00	1080.00	Reclamation.
123.	BMR-CBA-458/78-79	Shri Jiddi and Udho	-do-	-do-	1209, 1806, 1838.	1.07	5348.00	1337.00	4011.00	Remodelling.
124.	BMR-CBA-459/78-79	Shri Kanth	-do-	-do-	1703/1	0.20	1200.00	300.00	900.00	Reclamation.
125.	BMR-CBA-460/78-79	Shri Bhagmal	-do-	-do-	38/1, 38/2	0.18	1140.00	285.00	855.00	-do-
126.	BMR-CBA-461/78-79	Shri Ranjit Singh urf. Ranu.	-do-	-do-	295, 555	0.38	1824.00	456.00	1368.00	Remodelling.
127.	BMR-CBA-462/78-79	Shri Bheina and Rajo	-do-	-do-	11, 16, 19, 20, 22, 112, 279, 666, 122, 206, 282, 284, 505, 574, 712.	0.58	2784.00	696.00	2088.00	-do-
128.	BMR-CBA-463/78-79	Shri Sernu	-do-	-do-	1692/1, 1692/2	0.30	1872.00	468.00	1404.00	Reclamation.
129.	BMR-CBA-464/78-79	Shri Roomi	-do-	-do-	1/2, part, 874, 917, 1040, 1055, 1112.	0.42	2000.00	500.00	1500.00	Remodelling.
130.	BMR-CBA-465/78-79	Shri Tara	Luna	Aura	237, 293, 295, 296, 298, 377, 402, 568.	0.56	2660.00	665.00	1995.00	-do-
131.	BMR-CBA-466/78-79	Shri Chatro and Baila	-do-	-do-	132, 133, 185, 187, 196, 198, 199, 248.	0.34	1700.00	425.00	1275.00	-do-
132.	BMR-CBA-467/78-79	Shri Nanku	Ratten	Senuir	362/6, 1010/ 362, 264.	0.17	1012.00	253.00	759.00	Reclamation.
133.	BMR-CBA-468/78-79	Shri Dalku	-do-	-do-	176/2, 286/2	0.29	1800.00	450.00	1350.00	-do-
134.	BMR-CBA-469/78-79	Shri Udho	Guroundia	Guroundia	965, 966, 4, 290, 311, 346, 348, 362, 403, 419, 418, 423, 429/1, 527, 544, 557.	0.40	1200.00	300.00	900.00	Remodelling.

1	2	3	4	5	6	7	8	9	10	11
135.	BMR-CBA-470/78-79	Shri Dung	Groundia	Groundia	130, 570, 591, 617, 655, 680, 690, 769, 800, 835, 841, 846, 864, 897, 951, 1072, 1076, 1080.	0.09	432.00	108.00	324.00	Remodelling
136.	BMR-CBA-471/78-79	Shri Bhemi	Swai	Garola	9, 12, 915, 916, 1043, 1045, 1164, 1111, 1085, 1096, 972, 985, 860.	0.52	2600.00	650.00	1950.00	-do-
137.	BMR-CBA-472/78-79	Shri Jodh Singh	-do-	-do-	8, 19, 20	0.25	1200.00	300.00	900.00	-do-
138.	BMR-CBA-473/78-79	Shri Arjun	-do-	-do-	107, 537, 548, 825, 836, 532/1, 536/1.	0.35	1884.00	471.00	1413.00	-do-
139.	BMR-CBA-474/78-79	Shri Krishano and Kako	-do-	-do-	11841	0.20	1248.00	312.00	936.00	Reclamation.
140.	BMR-CBA-475/78-79	Shri Methu	Senuir	Senuir	1034, 1576, 1597, 749, 1599, 1600.	1.46	7008.00	1752.00	5256.00	Remodelling.
141.	BMR-CBA-476/78-79	Shri Butta	Sambra	Ranukothi	395, 400, 408, 1296, 1301, 1312, 1315, 1326, 1331, 1474, 1476, 1478, 1483, 1485, 1487, 1492, 1501, 1514.	0.70	3500.00	875.00	2625.00	-do-
142.	BMR-CBA-477/78-79	Shri Raggo	Kuthar	Ranukothi	29, 31, 227, 264.	0.67	3200.00	800.00	2400.00	-do-
143.	BMR-CBA-478/78-79	Shri Bhaimba	Jagat	Jagat	1668/1, 1668/2.	0.30	1868.00	467.00	1401.00	Reclamation.
144.	BMR-CBA-479/78-79	Shri Bidhia alias Bidhi Ram.	Hat	Durgathi	59, 399, 454, 455.	0.18	900.00	225.00	675.00	Remodelling.
145.	BMR-CBA-480/78-79	Shri Atema, Murli	Bharari	Shainh	9, 54	1.25	6248.00	1562.00	4686.00	-do-
146.	BMR-CBA-481/78-79	Shri Galora and Roshan	Gudath	Durgathi	89	0.44	2148.00	537.00	1611.00	-do-
Total						50.15	305632.00	76408.00	229224.00	

Sd/-  
Chairman,  
District Land Development Committee, Chamba,  
District Chamba,

Nalagarh, 18th August, 1978

No. AGR-5-7/77-2087.—Whereas the District Land Development Committee, Solan, Himachal Pradesh, prepared the Land Development Schemes under section 4 of the Himachal Pradesh Land Development Act, 1973 in respect of the area given against each scheme indicated in the list attached and whereas the State Government keeping in view consent of the persons aforesaid and after consideration the committee has sanctioned the schemes under section 5 (2) of the said act;

And whereas all the persons affected by the scheme and also the village concerned have consented to the execution of these schemes, no objection, received from the Agricultural Inspector concerned;

Now, therefore, the schemes sanctioned by the Committee under section 5 (2) are hereby published in the Rajpatra, H. P. for the information of the concerned persons as required by section 6 of the said act and it shall come into force immediately.

LIST OF THE SOIL CONSERVATIONS SCHEMES OF SOLAN DISTRICT FOR THE YEAR 1978- 79

Sr. No.	Scheme No.	Name of beneficiaries	Village	Area in hect.	Khasra No.	Total estimated cost	Amount of Loan/Subsidy	Type of work
1	2	3	4	5	6	7	8	9
1.	ARK/SLN-3/73-79	Sh. Lachhman Ram	Rauri	0.64	178/41, 179/41, 177/41	1802.00	901.00	B.T.
2.	-do- 4/78-79	Sh. Bhagat Ram	Chambywal	1.07	161/152, 157/152	3980.00	1993.00	B.T.
3.	-do- 5/78-79	Sh. Jalam Ram etc.	Sari	2.70	180/179, 181	10245.00	5122.00	B.T./M.I.
4.	-do- 6/78-79	Sh. Paras Ram	Kunihar	0.64	90/88/7	2370.00	1185.00	B.T.
5.	-do- 7/78-79	Sh. Mohan etc.	Dhanoghat	3.14	225, 227, 228, 229, 234, 240, 241, 243.	13000.00	6500.00	B.T./M.I.
6.	-do- 8/78-79	Sh. Chandu Ram	Mandeton	1.34	37/8, 43/15, 46/21, 48/21, 52/21, 24, 56/25, 58/28, 60/30, 61/23, 44/15.	2992.00	1496.00	B.T./M.I.
7.	-do- 10/78-79	Sh. Narayanoo etc.	Khajla	1.32	22, 23, 31	4890.00	2445.00	B.T.
8.	-do- 11/78-79	Sh. Kamal Prakash	Batal	0.76	2256/2044/1382.	2816.00	1408.00	B.T.
9.	-do- 12/78-79	Sh. Ramu	Sukhan	1.00	152, 179, 135	3600.00	1800.00	B.T.
10.	-do- 13/78-79	Sh. Nanak Chand	Nagar Sahwar	1.04	270/122	3585.00	1926.00	B.T.
11.	-do- 14/78-79	Sh. Chat Ram	Manjoo	0.96	802/646	3572.00	1786.00	B.T.
12.	-do- 15/78-79	Sh. Babu Ram etc.	Phamhwan	0.44	8, 28	2380.00	1190.00	M.I.
13.	-do- 16/78-79	Smt. Santi Devi etc.	Sari	2.00	148, 156, 187, 196, 219, 67, 69, 138.	11250.00	5625.00	M.I.
14.	-do- 17/78-79	Sh. Padam Chand	Kalyanpur	0.93	57.	3450.00	1725.00	B.T.
15.	SDR/SLN-1/78-79	Sh. Mehar Singh	Majority	1.02	51, 71, 81, 88	3778.00	1889.00	B.T.
16.	-do- 2/78-79	Sh. Nek Ram	Sher bamera	3.25	221, 228, 229, 230, 224, 226, 206, 207, 219, 220, 222, 225, 605/225, 227, 233, 208, 203, 209, 561, 223.	12044.00	6022.00	M.I.
17.	-do- 3/73-79	Sh. Bidya Dutt	Baila	2.67	11, 12, 23 min, 24 min, 32 min, 33, 37, 46 min, 17 min, 38, 49, 51.	9915.00	3957.00	M.I.
18.	-do- 4/78-79	Sh. Rajinder Krishan	Dhar	0.87	526/509	3324.00	1622.00	M.I.
19.	-do- 5/78-79	Sh. Gopal Singh etc.	Lalhar	1.95	23, 25, 31/27, 23/28, 34/2917 min. 22, 17min, 19, 21.	7224.00	3612.00	B.T.

1	2	3	4	5	6	7	8	9
20.	SDR/SLN 6/78-79	Sh. Gita Ram	Nagali	2.59	16 min, 56, 22min, 28, 29 min, 27, 47 min, 24, 26, 48, 48min, 25min, 22 min, 48 min, 25 min, 12, 13, 17, 18, 19, 20, 21, 10, 29min, 47 min, 7, 23, 16min, 14, 2, 5, 6, 32, 15, 3, 1, 8, 9, 33, 34, 35, 36, 44, 45, 31, 46, 37, 39, 40, 41, 42, 43, 49, 37 min, 38.	12344.00	6172.00	B.T./M.I.
21.	-do- 7/78-79	Sh. Sobiya	Bajlog	1.16	90/2, 78	4298.00	2149.00	B.T.
22.	-do- 8/78-79	Sh. Krishan Lal	Dharaja	2.37	42, 44, 134, 137, 140, 142, 8, 9, 2, 231/66, 235/69, 36.	8736.00	4367.00	M.I.
23.	-do- 9/78-79	Sh. Ram Chand	Manj Gaon Khurd	0.16	49/20.	750.00	375.00	B. T.
24.	-do- 10/78-79	Sh. Jawahar Lal	Dewan Dhar	4.45	20, 10, 19, 27, 1	19504.00	9752.00	B. T./M. I.
25.	-do- 12/78-79	Sh. Nater Singh etc.	Chacharah	1.83	1, 3, 4, 10, 12, 13, 17, 19, 36, 43, 51, 23, 26, 28, 30.	6810.00	3405.00	B.T.
26.	-do- 13/78-79	Sh. Bhoop Singh	Sarawan	2.71	20, 21, 18, 26, 27, 29, 31, 11, 14, 22, 23, 24, 3, 4, 9, 32.	10040.00	5020.00	B.T.
27.	-do- 14/78-79	Sh. Ram Rattan	Ser	2.95	169, 190, 191, 193, 195, 204/2, 233, 236, 237, 55.	10700.00	5350.00	B.T.
28.	-do- 15/78-79	Sh. Tulsi Ram etc.	Kalyan	5.26	34, 36 to 42, 44, 45, 50, 52 to 56.	29175.00	14587.00	M.I.
29.	-do- 16/78-79	Sh. Dhani Ram	Badhoo/Bassi	2.16	87, 88, 116, 120, 135, 138, 153, 157, 35, 37, 38, 41, 45, 53, 66, 69, 71, 73, 75.	8000.00	4000.00	B.T.
30.	KGT/SLN 1/78-79	Sh. Arjun Dev.	Naura/Karog	3.80	205, 74.	18600.00	9300.00	M.I./B.T.
31.	-do- 2/78-79	Sh. Janki Ram etc.	Kalhog	3.50	157/49, 158/50, 160/55, 161/59, 152/13, 154/16, 10, 12, 153/14, 607, 9, 46, 8, 11.	12050.00	6025.00	M.I.
32.	-do- 3/78-79	Sh. Nathu Ram	Tikkri	3.00	28, 29, 41, 235, 242, 46, 52, 226, 229, 65, 67, 70, 78, 87, 80, 93, 99, 110, min, 198, 205, 262, 114, 112, 106, 118, 125, 130, 84, 95, 100, 104, 115, 116, 146, 150, 156, 108, 147, 171, 175, 174, 131, 151, 155,	17000.00	8500.00	M.I.

					161, 47, 86, 107, 109, 136, 154, 160, 169, 177, 182, 202, 213, 263, 324/58.			
33.	-do-	4/78-79	Sh. Sher Singh	Kotla	5.03	87/70, 57, 58, 61, 62, 112/ 63, 55, 108/102/1/2, 66, 67, 96/77, 99/66.	19950.00	9975.00 M.I.
34.	-do-	5/78-79	Sh. Prem Singh	Chichara	0.67	194, 493, 607/462, 600/ 346, 64, 89, 439, 16, 24, 61, 13, 11, 19, 22, 49, 155, 306, 429, 377, 177, 184min, 217, 240min, 254 min, 63, 463, 271, 231, 233, 5, 169 min, 172, 23, 141, 156, 382 min, 601/346.	2490.00	1245.00 B.T.
35.	-do-	6/78-79	Sh. Mohan Singh	Kiari	0.50	74, 162/74, 63, 68, 76, 75, 79/2, 73.	2800.00	1400.00 B.T.
36.	-do-	7/78-79	Sh. Shonkia etc.	Karog	3.63	156, 157, 3.	10400.00	5200.00 M.I.
37.	NLG/SLN	1/78-79	Sh. Nasib Singh etc.	Channal Majara	0.42	292, 297, 298, 468/299, 300, 301.	1520.00	760.00 B.T.
38.	-do-	2/78-79	Sh. Tirth Ram etc.	Kohakra	1.92	228, 229, 232, 233, 234, to 236, 239 to 241.	10800.00	5400.00 M.I.
39.	-do-	3/78-79	Sh. Hari Singh etc.	Bhangla	3.52	33, 34, 40 to 42 83, 93, 365, 366, 364, 682, 718', 720, 721, 728, 729, 734, 835, 731, 739, 91.	13200.00	6600.00 B.T.
40.	-do-	4/78-79	Sh. Banta Singh	Raryar	2.70	1344.	11235.00	5617.00 M.I.
41.	-do-	5/78-79	Smt. Rattani Devi	Barsain	0.80	62.	3075.00	1537.00 B.T.
42.	-do-	6/78-79	Smt. Indaro Devi	Rehru Uppla	1.40	310, 32C, 386, 532 534, 421, 586, 333, 533,	5166.00	2583.00 B.T.
43.	-do-	7/78-79	Sh. Daulat Ram	Bhud	0.64	985, 1032, 986, 987, 1032/1	2445.00	1222.50 B.T.

Secretary,  
(KANWAR SARJEET SINGH)  
District Land Development Committee,  
Soian Cunt-Assistant Soil Conservation,  
Office r, Nalagarh, District Solan.

PUBLIC WORKS DEPARTMENT  
OFFICE ORDER

Simla-1, the 6th October, 1978

No. PWE-148-8/68-Vol.V-ESII-23436-85.—In exercise of the powers vested in me *vide* rule 1.26 of Himachal Pradesh Financial Rules, Vol. I, 1971, the following Superintending Engineers/Executive Engineers are hereby authorised to operate upon the following Heads of Accounts and also declare them as Head of Office and Drawing and Disbursing Officers of these Heads of Accounts:—

1. 482—Capital Outlay on Public Health, Sanitation and Water Supply.
2. 082—Public Health, Sanitation and Water Supply—Receipts from Urban Water Supply Schemes—Receipts from Rural Water Supply Schemes—Other Receipts.
3. 106—Minor Irrigation, Soil Conservation and Area Development.

B—Receipt from other Minor Irrigation Works.

1. Superintending Engineer, Irrigation-cum-P. H. Circle, H. P. P. W. D., Kalpa.
2. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Kalpa.
3. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Kaza.
4. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Dehra.

5. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Pooh.
6. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Dalhousie.
7. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Palampur.
8. Executive Engineer, Irrigation-cum-P. H. Division, No. II, H. P. P. W. D., Simla.
9. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Una.
10. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Chamba.
11. Executive Engineer, Investigation Division, H. P. P. W. D., Dharamsala.
12. Superintending Engineer, Irrigation-cum-P. H. Circle, H. P. P. W. D., Sundernagar.
13. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Mandi.
14. Executive Engineer, Irrigation-cum-P. H. Division, H. P. P. W. D., Sundernagar.
15. Executive Engineer, Palampur, Division No. II, H. P. P. W. D., Palampur (B & R).

They will also be the Controlling Officers under S. R. 191 for the purpose of T. A. in respect of Class-II, III and IV staff members working under them.

I. D. MIRCHANDANI,  
Chief Engineer (IPH).  
H. P. P. W. D., Simla-171001.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट काइन्स्ट्रल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

## AGRICULTURE DEPARTMENT

## NOTIFICATIONS

Simla-171002, the 30th September, 1978

No. Agr. B(2)-28/76.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to make Rules to amend the Recruitment and Promotion Rules of Class-III (Ministerial) (Part-I) Services and Posts in the Department of Agriculture, Himachal Pradesh, notified *vide* No. 29-1/72-Agr. (Sectt.), dated the 16th January, 1974, as subsequently amended, as under:—

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh Agriculture Department Class-III (Ministerial) (Part-I) Services (Recruitment, Promotion and Certain Conditions of Services) (Fifth Amendment) Rules, 1978.

(b) These rules shall come into force from the date of issue of this notification.

2. *Amendments and additions.*—The existing entries against rule 5(1) of the Himachal Pradesh Agriculture Department Class-III (Ministerial) Services (Recruitment, Promotion and Certain Conditions of Services) Rules, 1973 (Part-I), shall be substituted by the following entries, namely:—

- “5. (1) A candidate for appointment to any service or post must be—
- (a) citizen of India, or
  - (b) a subject of Nepal, or
  - (c) a subject of Bhutan, or
  - (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India;

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the State Government/Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of Himachal Pradesh/Government of India.”

Simla-171002, the 30th September, 1978

No. Agr. B(2)-28/76.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to make Rules to amend the Recruitment and Promotion Rules of Class-I Services and Posts in the Department of Agriculture, Himachal Pradesh, notified *vide* No. 25-3/69-Agr. (Sectt.), dated the 16th June, 1973, as subsequently amended, as under:—

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh Agricultural Services Class-I Recruitment and Promotion (Ninth Amendment) Rules, 1978.



(b) These rules shall come into force from the date of issue of this notification.

2. *Amendments and additions.*—After the existing foot-note (10) of the Himachal Pradesh Agricultural Services Class-I Recruitment and Promotion Rules, 1973, the following foot-note (11) shall be added, namely:—

“A candidate for appointment to any service or post must be:—

- (a) a citizen of India, or
- (b) a citizen of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who come over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the State Government/Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of Himachal Pradesh/Government of India.”

By order.

ANANG PAL,  
Secretary.

#### ANIMAL HUSBANDRY DEPARTMENT

##### NOTIFICATION

Simla-2, the 28th/29th September, 1978

No. Ahy. A(3)-2/76. —In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the following Rules to amend the Recruitment and Promotion Rules for the post of Joint Director (Class-I) in the Animal Husbandry Department, Himachal Pradesh notified *vide* notification of even number dated the 14th June, 1977 and published in the Rajpatra Himachal Pradesh dated 24th September, 1977:—

1. *Short title and commencement.*—(1) These rules may be called the Recruitment and Promotion and Certain Conditions of Services (First Amendment) Rules, 1978, for the post of Joint Director (Class-I) in the Animal Husbandry Department of Himachal Pradesh.  
(2) They shall come into force at once.

2. *Amendment to item No. 11 of Annexure I.*—For the entries against item No. 11 in the Annexure I to the Recruitment and Promotion Rules for the post of Joint Director, Animal Husbandry, Himachal Pradesh in the Animal Husbandry Department, Government of Himachal Pradesh, the following entries shall be substituted namely:

By promotion from amongst the Deputy Directors of Animal Husbandry/Project Officer, Intensive Cattle Development Project/Project Officer, Sheep Breeding and Calf Rearing Project/Project Officer, Poultry Development Project/Senior Research Officer, Sheep Farm/Epidemiologist having at least three years regular or *ad hoc* service or both as such.

(For purpose of promotion, a combined seniority list of eligible officers will be prepared based on length of service as such, *inter se* seniority not to be disturbed as far as possible).

*Note.*—In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one) in the

feeder post, all persons senior to him shall be deemed to be eligible for consideration and placed above the junior officer in the field of consideration:

Provided that all incumbents to be considered for promotion/confirmation should possess the minimum qualifying service of at least three years or that prescribed in the relevant recruitment and promotion rules for the post/service whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation on account of the requirement prescribed in the preceding proviso the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation.

S/-

Under Secretary.

#### WELFARE DEPARTMENT

##### NOTIFICATIONS

Simla-2, the 29th September, 1978

No. WLF. A(3)-21/75.—The Governor of Himachal Pradesh is pleased to make the following rules to amend the Himachal Pradesh Grant of Housing Subsidy to Backward Classes Rules, 1975 as notified *vide* notification No. 22-2/69-Vol. II-Wel-Sectt., dated the 22nd August, 1975, namely:—

THE HIMACHAL PRADESH GRANT OF HOUSING SUBSIDY TO BACKWARD CLASSES (AMENDMENT) RULES, 1978

1. *Short title and commencement.*—(1) These rules shall be called the Himachal Pradesh Grant of Housing Subsidy to Backward Classes (Amendment) Rules, 1975.

(2) These rules shall be deemed to have come into force with effect from the date of issue of this notification.

2. *Amendment of rule 2—Definitions.*—Sub-rule (e) of rule (2) shall be substituted with the following sub-rule (e) namely:—

“(e) “Sanctioning Authority” means the Deputy Commissioner.

3. *Amendment to rules 8, 9, 11 and 12 and Annexures IV V and X.*—In rules 8, 9, 11 and 12 and Annexures IV, V & X of the Himachal Pradesh Grant of Housing Subsidy to Backward Classes Rules, 1975, the word “Director of Welfare” or the word “Director” shall be substituted with the word “Deputy Commissioner”.

A. N. VIDYARTHI,

Secretary.

Simla-2, the 29th September, 1978

No. 2-33/72-LWP(Wel).—The Governor of Himachal Pradesh is pleased to make the following Rules to amend the Himachal Pradesh Legal Aid to Scheduled Castes and Scheduled Tribes Rules, 1974 as notified *vide* this Department notification No. 2-33/72-LWP (Wel) dated the 31st August, 1974 namely:—

THE HIMACHAL PRADESH LEGAL AID TO SCHEDULED CASTES AND SCHEDULED TRIBES (AMENDMENT) RULES, 1978

1. *Short title and commencement.*—(1) These rules shall be called the Himachal Pradesh Legal Aid to Scheduled Castes and Scheduled Tribes (First Amendment) Rules, 1978.

(2) These rules shall be deemed to have come into force with effect from the date of issue of this notification

2. *Addition to rule 3.*—Sub-rule (1) shall be added after sub-rule (h) as under:—

(i) “Deputy Commissioner” means the Deputy Commissioner of the District.

**Amendment of rule 25.**—Rule 25 of the Himachal Pradesh Legal Aid to Scheduled Castes and Scheduled Tribes Rules, 1974 shall be substituted by the following rule namely:—

"The Deputy Commissioner shall be competent authority to sanction the legal aid under these rules on the recommendations of the District Welfare Committee."

**Amendment in Annexure 'B'.**—The words 'Director of Welfare' appearing in the Bond Form—Legal Aid shall be substituted by the words 'Deputy Commissioner'.

Simla-2, the 29th September, 1978

**No. 2-28/72-LWP(Wel.).**—The Governor of Himachal Pradesh is pleased to make the following Rules relating to the "Follow-up-Programme" to Scheduled Castes in Himachal Pradesh to amend the Himachal Pradesh Follow-up-Programme Rules, 1974 and the Himachal Pradesh Follow-up-Programme (Amendment) Rules, 1975 as notified *vid.* this department notifications No. 2-28/72-LWP(Wel.), dated 5th August, 1974 and notification No. 2-28/72-LWP(Wel.), dated 27th December, 1975:—

### FOLLOW-UP-PROGRAMME TO SCHEDULED CASTES IN HIMACHAL PRADESH, RULES, 1978

**1. Short title and commencement.**—(1) These rules shall be called the Follow-up-Programme to Scheduled

Castes in Himachal Pradesh (2nd Amendment) Rules, 1978.

(2) These rules shall deem to have come into force with effect from the date of the issue of this notification.

**Addition in rule 3.**—The following shall be added after (e):—

(f) "Deputy Commissioners", means the Deputy Commissioner of the District.

**Amendment to rule 5—Procedure to be observed.**—Sub-rule (1) of rule 5 shall be substituted by the following:—

"5.(i) The District Welfare Officer shall obtain applications from the deserving cases on prescribed form in Annexure 'A'. On receipt of such applications, the District Welfare Officer shall examine the question of grant of subsidy to the applicants in the light of funds placed at disposal for the purpose during the year. He shall then place such cases before the District Welfare Committee for their approval and forward the same along with certificates as prescribed in rule 6 for obtaining sanction of the Deputy Commissioner."

**Amendment in Annexure 'B'.**—In the Himachal Pradesh Follow-up-Programme Rules, 1974 as amended from time to time, the words "Director of Welfare" appearing in Annexure-B shall be substituted by the words "Deputy Commissioner".

By order,

A. N. VIDYARTHI,

Secretary.

## भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग

शून्य

## भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

इस्तहार

ब्रह्मदालत साहिब डिस्ट्रिक्ट जज बहादुर, हमीरपुर, हिमाचल प्रदेश

नं० मुकद्दमा Succ. Act I बाबत सन् 1977

श्रीमती कौशल्या देवी बेवा, (2) कमला कुमार, (3) रामल कुमार नाबालगान पिछरा न दामू राम, बानी नादोन तथा जनाड़ी, तहसील व जिला हमीरपुर बख्शत श्रीमती कौशल्या बान्दा खुद ।

बनाम

आम जनता

जोकि श्रीमती कौशल्या ने दरखवास्त हसूल सर्टिफिकेट Succession Certificate Rs. 6113.84 P. अदालत हजा में पेश की है जो तारीख 6-1-77 को मंजूर हो कर दर्ज रजिस्टर हुई, लिहाजा बिनाबर आगाही बरादरान व कराबतदारान मुतवफकी इस्तहार हजा जारी किया जाता है कि जिस शख्स को निस्बत दरखवास्त मजकूर उजरदारी करती हो वह कबिल अज तारीख 29 माह 11 सन् 1978 हाजिर अदालत हजा हो कर अपना उजर पेश करे वरना कोई उजर बाद इनकजाए 29-11-78 तारीख मजकूर समाप्त न होगा ।

आज बतारीख 25 माह अक्तूबर सन् 1978 बसबत हमारे दस्तखत और मोहर अदालत से जारी किया गया ।

मोहर ।

हस्ताक्षरित  
डिस्ट्रिक्ट जज, हमीरपुर ।

इस्तहार

ब्रह्मदालत साहिब डिस्ट्रिक्ट जज बहादुर, हमीरपुर, हिमाचल प्रदेश

नं० मुकद्दमा Succ. Act II बाबत सन् 1978

श्रीमती व्यासा देवी वालगा बेवा, (2) कमलेश कुमारी दुखतर, (3) राजेश कुमार, (4) राज पाल, (5) राजिन्द्र कुमार, (6) कल्पना देवी दुबहर नाबालगान 2 ता 6 बरफाकत श्रीमती व्यासा देवी बान्दा खुद, कांसी राम, बानी भोड़ा, तथा उगयालता, तहसील व जिला, हमीरपुर (हि० प्र०) ।

बनाम

आम जनता

श्रीमती व्यासा ने दरखवास्त हसूल सर्टिफिकेट Succession Certificate Rs. 5259.49 P. अदालत हजा में पेश की है जो तारीख 26-1-78 को मंजूर होकर दर्ज रजिस्टर हुई, लिहाजा बिनाबर आगाही बरादरान व कराबतदारान मुतवफकी इस्तहार हजा जारी किया जाता है कि जिस शख्स को निस्बत दरखवास्त मजकूर उजरदारी करती हो वह कबिल अज तारीख 29 माह 11 सन् 1978 हाजिर अदालत हजा हो कर अपना उजर पेश करे वरना कोई उजर बाद इनकजाए 29-11-78 तारीख मजकूर समाप्त न होगा ।

आज बतारीख 25 माह 10 सन् 1978 बसबत हमारे दस्तखत और मोहर अदालत से जारी किया गया ।

मोहर ।

हस्ताक्षरित,  
डिस्ट्रिक्ट जज, हमीरपुर ।

In the Court of S. S. Kanwar, District Judge, Kangra at Dharamsala

Guardian Case No. 18 of 1978

Smt. Gufan Devi wife of Milkhi Ram s/o Lachhman, caste Rajput, r/o Khalag, Mauza Dola Kharyana, Tehsil Dehra, District Kangra .. Petitioner.

*Versus*

The Public .. Respondent.

The General Public of Village Khalag, Mauza Dola Kharyana, Tehsil Dehra, District Kangra.

Whereas the above named petitioner has filed an application for permission to sell the property belonging to 1. Jagdish Chand, 2. Lekh Raj, 3. Amar Singh, 4. Suresh Kumar, minors sons of the petitioner, under section 8 of the Hindu Minority and Guardianship Act.

Notice is hereby issued to the General Public to file objection, if any, against the grant of permission to sell the property in favour of the applicant on 1-12-1978 at 10 A.M. in this court at Dharamsala.

In case no objection is received in this court on or before the date fixed, further proceedings with regard to the grant of permission to sell the property in favour of the applicant will be taken.

Given under my hand and the seal of the court this 26th October, 1978.

Seal.

S. S. KANWAR,  
District Judge,  
Kangra at Dharamsala.

APPLICATION UNDER ORDER 5, RULE 20 C.P.C.  
In the Court of Shri Ram Lal, Subordinate Judge, Ghumarwin, District Bilaspur, H. P.

CIVIL SUIT No. 65/1 OF 77

Dina s/o Shri Kapura, caste Brahmin, resident of village Baddgoun, Pargana Sunhani, Tehsil Ghumarwin, District Bilaspur, H.P. ..Plaintiff.

*Versus*

1. Chandu, 2. Durga, 3. Inder s/o Shri Kanhu, caste Brahmin, resident of village Baddgoun, Pargana Bachhretu, Tehsil Ghumarwin, District Bilaspur, H. P. and others ..Defendants.

SUIT FOR DECLARATION

To

1. Inder s/o Shri Kanhu, r/o village Baddgoun, Pargana Bachhretu.
2. Munshi Ram s/o Shri Sukh Lal, r/o Vill. Chuherna, Teh. Sirsa.
3. Mst. Thaukri Devi d/o Sukh Lal, r/o Dehan, Tehsil Badsar.
4. Roshani Devi d/o Paras Ram, r/o village Dehan, Tehsil Badsar.
5. Giani d/o of Shri Paras Ram, r/o village Soherla, P.O. Bangana.
6. Veparvahi Devi d/o Paras Ram, r/o village Soherla, P. O. Bangana, Una.

7. Khaiyap w/o Shri Paras Ram, r/o village Baddgoun, Pargana Bachhretu, Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh, ..Defendants  
No. 3, 9, 11, 14 to 17

Whereas in the above mentioned suit, it has been proved to the satisfaction of this Court that the above mentioned defendants are evading the service of the summon and cannot be served in the normal course of the service. Hence this proclamation under order 5 rule 20 of Civil Procedure Code is hereby issued against them to appear in this court on dated 29-11-1978 at 10 A.M. personally or through an authorised agent or pleader to defend the case failing which *ex-parte* proceedings shall be taken against them.

Given under my hand and the seal of this Court, today this 25th day of October, 1978.

Seal. RAM LAL,  
Sub-Judge 1st Class,  
Ghumarwin.

PUBLICATION NOTICE U. O. 5, RULE 20 C.P.C.

In the Court of Shri Ram Lal, Subordinate Judge, 1st Class Ghumarwin, District Bilaspur, Himachal Pradesh

CIVIL SUIT No. 69/1 OF 1978

Purakh Chand son of Shri Ram Chand, caste Rajput, r/o village Changar Talai, Pargana Bachhretu, Tehsil Ghumarwin, District Bilaspur, H. P. ..Plaintiff.

*Versus*

Pohlo son of Shri Garia caste Gujar resident of Village Changar Talai, Pargana Bachhretu, Tehsil Ghumarwin District Bilaspur, H. P. ..Defendant

SUIT FOR PERMANENT INJUNCTION

To

1. Dharam Singh at present Patwari P.W.D. Talai,
2. Tikhu s/o Shri Sunder Gujar, r/o village Changar Talai.
3. Viroo s/o Shri Sunder Gujar, r/o Vill. Changar Talai
4. Nikku s/o Shri Sunder Gujar, r/o Vill. Changar Talai
5. Dev Raj s/o Shri Paras Ram Brahmin, r/o Changar Talai.
6. Thakur s/o Santu, caste Brahmin, r/o Changar Talai.
7. Ramesh s/o Shri Thakur, caste Brahmin, resident of village Changar Talai
8. Banti Devi w/o Pohlo Gujar, r/o Vill. Changar Talai
9. Pushpa Devi w/o Shri Dharam Singh Patwari, r/o Changar Talai.
10. Prakash Harijan servant of Dharam Singh Patwari, r/o Changar Talai, Pargana Bachhretu, Tehsil Ghumarwin. ....Defendants.

Whereas in the above mentioned civil suit it has been proved to the satisfaction of this court that the above noted defendants are evading the service of the summons and cannot be served in the normal course of the service. Hence this proclamation under order 5 rule 20 C.P.C. is hereby issued against them to appear in the court on dated 24-11-1978 at 10 A.M. personally or through an authorised agent or pleader to defend the suit failing which *ex-parte* proceedings will be taken against them.

Given under my hand and the seal of the court, today this 25th day of October, 1978.

Seal.

RAM LAL,  
Sub-Judge 1st Class Ghumarwin,  
District Bilaspur, H.P.

न्यायालय श्री लाल चन्द चौहान, सहायक समाहर्ता, द्वितीय वर्ग,  
अर्की, जिला सोलन

मुकद्दमा नं० 71/13 साल 1978

बमुकद्दमा:—श्री गीनू राम पुत्र नरायण, ग्राम रोडी, परगना प्रघोट,  
तहसील अर्की। ..साल।

बनाम

श्री नोकडू पुत्र भारी, ग्राम रोडी, परगना प्रघोट, तहसील अर्की।  
फौक दीयम।

दरखास्त दस्तुती गिरदावरी बाबत खसरा नं० 158 रकबा  
तादादी 0-6 बिस्वा, ग्राम रोडी, परगना प्रघोट।

इस्तहार

बनाम

श्री नोकडू पुत्र भारी, ग्राम रोडी, हाल खाला कन्दूनमेण्ट जतांग,  
शिमला।

उपरोक्त मुकद्दमा में फौक दीयम नोकडू हाजिर अदालत होने  
में हिला बहाना कर रहा है जिस कारण मुकद्दमा बिला बजह  
पेंडिंग चला आ रहा है। अतः बजरिया इस्तहार फौक दीयम  
को मुचित किया जाता है कि वह तथि 28-11-1978 को 10 बजे  
सुबह अमानतन या बकालतन हाजिर होकर पैरवी मुकद्दमा करें  
अन्यथा कारंवाई अमल में लाई जावेगी।

आज बतारीख 20 माह अक्टूबर, नन् 1978 दस्तखत हमारे  
व मोहर अदालत से जारी हुआ।

लाल चन्द चौहान,  
मोहर। सहायक समाहर्ता द्वितीय श्रेणी,  
अर्की, जिला सोलन।

व अदालत श्री डी० एस० कुटनैहड़िया, सहायक संग्रहकर्ता,  
द्वितीय श्रेणी घुमारवीं, जिला बिलासपुर, हिमाचल प्रदेश

सदा राम, प्यार सिंह पुत्र शिव राम, जाति पंडन, दयाने, निवासी  
भगेड़, परगना तियून, तहसील घुमारवीं, जिला बिलासपुर, हिमाचल  
साइलान व बलायत श्री शिव राम पिता खुद।

बनाम

बुहा उर्फ नानकू, गगन पुत्र मोहन, जाति ब्राह्मण, सा० पेहड़वी,  
परगना तियून, तहसील घुमारवीं, जिला बिलासपुर, हिमाचल  
प्रदेश।

दरखास्त फरमाये जाने दस्तुती इन्द्राज गिरदावरी निस्वत  
भराजी तादादी 0-5 बिस्वे नम्बर खसरा 36 किता एक मुंदरजा  
खेवट नम्बर 18 मिन खतौनी नम्बर 26 बाक्या मोजा भगेड़  
प्र० तियून चेर दफा 37-38 H.P.L.R. Act.

हरगाह उपरोक्त मुकद्दमा में फौकदीयम गगन पुत्र मोहन, जाति  
ब्राह्मण, सा० पेहड़वी, प्र० तियून को इस अदालत से कई बार  
नोटिस जारी किये गये मगर उन पर तामील न हो रही है।  
अदालत को यकीन हो चुका है कि उपरोक्त फौकदीयम पर तामील  
अमानतन न होगी। अतः हस्ब दरखास्त सायलान फौकदीयम गगन  
पुत्र मोहन जाति ब्राह्मण, सा० पेहड़वी, प्र० तियून, तहसील  
घुमारवीं, जिला बिलासपुर को बजरिया इस्तहार अजबवार जर  
आर्डर 5 रूल 20 बाक्या दिवानी सूचित किया जाता है कि  
अगर उनको दरखास्त दस्तुती इन्द्राज में कोई उजर व एतराज  
हो तो दिनांक 17-11-1978 व वक्त 10 बजे सुबह अमानतन  
व बकालतन हाजिर आवें बसुरत गैर हाजरी हस्ब जाबता  
कारंवाई अमल में लाई जावेगी।

आज दिनांक 30-10-78 हस्ताक्षर हमारे व मोहर अदालत  
के जारी किया गया।

मोहर।

डी० एस० कुटनैहड़िया,  
सहायक संग्रहकर्ता।

व अदालत जनाब स्वयं राम, नायब-तहसीलदार बख्तियारात,  
सहायक समाहर्ता द्वितीय श्रेणी, बडसर, जिला हमीरपुर

वसन्त राम

बनाम

भगत राम

उनवान:—दरखास्त बसुराद दस्तुती इन्द्राज कागजात माल खाता  
नं० 4 मिन खतौनी नं० 14 खसरा नम्बरान 232,  
239, 240, 269, 270 किता 5 रकबा 29/क०  
13 म० जमेई 3-98 इन्माल अनुसार जमाबन्दी  
1972-73 बाक्या टीका जनैहन, मोजा डटवाल, तहसील  
बडसर, जिला हमीरपुर।

नोटिस बनाम:—श्री भगत राम पुत्र कांशी राम सकना टीका जनैहन,  
तप्पा डटवाल, तहसील बडसर, जिला हमीरपुर  
...मसूलअल्लेहम।

बमुकद्दमा उपरोक्त उनवान बाला में श्री भगत राम फौक दीयम  
को कई बार समन जारी किए गए मगर वह हाजिर अदालत नहीं  
हो रहा है। अतः अब उसे बजरिया इस्तहार अजबवार सूचित  
किया जाता है कि वह बराये पैरवी दरखास्त अमानतन या बकालतन  
हमारे न्यायालय हुआ में तथि 27-11-78 सुबह 10 बजे हाजिर  
आवे अन्यथा कार्यवाही जाबता अमल में लाई जावेगी।

आज तथि 25-10-78 को मेरे हस्ताक्षर व मोहर अदालत  
से जारी हुआ।

मोहर।

स्वयं राम,  
सहायक समाहर्ता द्वितीय श्रेणी,  
बडसर, जिला हमीरपुर।

### HJMACHAL PRADESH UNIVERSITY NOTIFICATION

Simla-171005, the 23rd October, 1978

No. 5-19/77-II-Confuct-(HPU)-2366.—Mr. Mahmood  
Mohammad Vari Yazdi s/o Shri Ali Akbar, Registration  
No. 77-SP-56 has been allowed to change his name  
from Mahmood Mohammad Vari Yazdi to  
Mahmood Payman-Far. In future his name in the  
University record will be shown as:—

Mahmood Payman-Far alias Mahmood Mohammad  
Vari Yazdi.

S. R. MEHTA,  
Assistant Registrar (Conduct),  
H. P. University, Simla-5.

**भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन**

**LAW DEPARTMENT**

**NOTIFICATION**

*Simla-2, the 2nd March, 1978*

No. LLR-E(9) 17/77.—The following Acts recently passed by Parliament which have already been published in the Gazette of India, Extraordinary, Part-II, Section I are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Inland Steam Vessels (Amendment) Act, 1977 (No. 35 of 1977).
2. The Salaries and Allowances of Ministers (Amendment) Act, 1977 (No. 37 of 1977).
3. The Advocates (Amendment) Act, 1977 (No. 38 of 1977).
4. The Indian Iron and Steel Company (Acquisition of Shares) Amendment Act, 1977 (No. 39 of 1977).
5. The Enemy Property (Amendment) Act, 1977 (No. 40 of 1977).
6. The Smith, Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Act, 1977 (No. 41 of 1977).
7. The Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Act, 1977 (No. 42 of 1977).
8. The Payment of Bonus (Amendment) Act, 1977 (No. 43 of 1977).
9. The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1977 (No. 44 of 1977).
10. The Appropriation (No. 4) Act, 1977 (No. 45 of 1977).
11. The Companies (Amendment) Act, 1977 (No. 46 of 1977).
12. The Betwa River Board (Amendment) Act, 1977 (No. 47 of 1977).
13. The Supreme Court (Number of Judges) Amendment Act, 1977 (No. 48 of 1977).

K. C. GUPTA,  
*Under Secretary.*

Assented to on 7th December, 1977.

**THE INLAND STEAM-VESSLS (AMENDMENT) ACT, 1977**

(Act No. 35 OF 1977)

AN

ACT

*Further to amend the Inland Steam-Vessels Act, 1917.*

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Inland Steam-Vessels (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of long title.*—In the Inland Steam-Vessels Act, 1917 (1 of 1917) (hereinafter referred to as the principal Act), in the long title, for the words "Inland Steam-Vessels", the words "Inland Vessels" shall be substituted.

3. *Amendment of preamble.*—In the preamble to the principal Act, for the words "inland steam-vessels", the words "inland vessels" shall be substituted.

4. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (1), for the words "Inland Steam-Vessels", the words "Inland Vessels" shall be substituted.

5. *Substitution of references to steam-vessel by mechanically propelled vessel.*—Throughout the principal Act, except in the long title, preamble and section 1, for the words "steam-vessel" and "steam-vessels", wherever they occur, the words "mechanically propelled vessel" and "mechanically propelled vessels" shall, respectively, be substituted.

6. *Amendment of section 2.*—Section 2 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so renumbered—

(a) for clause (1), the following clause shall be substituted, namely:—

"(a) "inland vessel" or "inland mechanically propelled vessel" means a mechanically propelled vessel which ordinarily plies on any inland water;"

(b) clause (2) shall be lettered as clause (b);

(c) after clause (d) as so lettered, the following clause shall be inserted, namely:—

"(c) "mechanically propelled vessel" means every description of vessel propelled wholly or in part by electricity, steam or other mechanical power;"

(d) clauses (3) and (4) shall be lettered as clauses (d) and (e) respectively;

(e) clause (5) shall be omitted;

(f) clauses (6), (7) and (8) shall be lettered as clauses (f), (g) and (h) respectively;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Any reference to the Inland Steam-Vessels Act, 1917 (1 of 1917), in any law for the time being in force or in any instrument or other document shall be construed as a reference to the Inland Vessels Act, 1917."

7. *Amendment of section 7.*—In section 7 of the principal Act,—

(i) in item (iii), the word "and" occurring at the end shall be omitted;

(ii) after item (iii), the following item shall be inserted, namely:—

"(iii) the nature and quantum of cargo which the mechanically propelled vessel is, in the judgment of the surveyor, fit to carry; and"

8. *Amendment of section 19E.*—In section 19E of the principal Act, in sub-section (2), for the words and figures "registered under the Indian Companies Act, 1913 (7 of 1913)", the words and figures "within the meaning of section 3 of the Companies Act, 1956 (1 of 1956)" shall be substituted.

9. *Omission of section 19G.*—Section 19G of the principal Act shall be omitted.

10. *Amendment of section 19-I.*—In section 19-I of the principal Act,—

(i) in sub-section (2),—

(a) for the words "inland waters of more than one State", the words "inland waters of any other State" shall be substituted;

(b) the proviso shall be omitted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) When an inland mechanically propelled vessel registered in one State has been kept in another State for a period exceeding twelve months, the owner or aster of the vessel shall make an application under section 19K to the registering authority, within whose jurisdiction the vessel then is, for the transfer of registry from the registering authority of the place where the vessel is registered.”.

11. *Amendment of section 19K.*—In section 19K of the principal Act,—

- (i) in sub-section (1), for the words “the registering authority of the place where the vessel is registered”, the words “the registering authority of the State in which the vessel is kept” shall be substituted;
- (ii) in sub-section (2), for the words “the registering authority of the intended place of registry with a copy of all particulars relating to the vessel”, the words “the registering authority of the place where the vessel is registered” shall be substituted;
- (iii) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) The certificate of registration in respect of the vessel shall be delivered up to the registering authority of the intended place of registry along with the application.

(4) On receipt of the application under sub-section (1) and the prescribed fee, if any, the registering authority of the intended place of registry shall enter in its register book all the particulars relating to the vessel and grant a fresh certificate of registration in respect of the vessel and thenceforth such vessel shall be considered as registered at the new place of registry.

(5) A State Government may make rules under section 19R requiring the owner or master of an inland mechanically propelled vessel not registered within the State which is brought into or is, for the time being in the State, to furnish to a prescribed authority in the State such information with respect to the inland mechanically propelled vessel and its registration as may be prescribed.”.

12. *Amendment of section 19M.*—In section 19M of the principal Act, in sub-section (1), in the proviso, for the words and figures “also registered under the Merchant Shipping Act, 1894 57 and 58 (Vict., c. 60) as amended by any subsequent enactment”, the words and figures “registered or deemed to be registered under the Merchant Shipping Act, 1958 (44 of 1958)” shall be substituted.

13. *Insertion of new section after section 19Q.*—After section 19Q of the principal Act, the following section shall be inserted, namely:—

‘19QA. *Mortgage of mechanically propelled vessel or share.*—The provisions of sections 47, 48, 49, 50, 51, 52 and 53 of the Merchant Shipping Act, 1958 (44 of 1958), shall *mutatis mutandis* apply, in relation to the mortgage of a mechanically propelled vessel as they apply in relation to ships, subject to the following modifications, namely:—

- (a) in sections 47, 48, 49, 50, 51, 52 and 53, references to “ship”, “registrar” and “register book”, wherever they occur, shall, respectively, be construed as references to “mechanically propelled vessel”, “registering authority” and “book of registration”;
- (b) in section 47, in sub-section (1), for the words “the registrar of the ship’s port of registry shall record it in the register book”, the words “the

registering authority shall record it in the book of registration” shall be substituted.’.

14. *Amendment of section 19R.*—In section 19R of the principal Act, in sub-section (2),—

(a) after clause (f), the following clause shall be inserted, namely:—

“(fa) prescribe the authority and provide for furnishing to such authority the information with respect to the inland mechanically propelled vessel and its registration under sub-section (5) of section 19K;”;

(b) after clause (g), the following clause shall be inserted, namely:—

“(ga) provide for the form of instrument creating a mortgage of a mechanically propelled vessel or a share therein or transfer of any such mortgage;”.

15. *Insertion of new section after section 19R.*—After section 19R of the principal Act, the following section shall be inserted, namely:—

“19S. *Certain certificates issued under Merchant Shipping Act to be valid under this Act.*—Every certificate of registry and every certificate of survey issued in respect of a mechanically propelled vessel under the Merchant Shipping Act, 1958 (44 of 1958), shall be valid and effective as a certificate of registration or certificate of survey, as the case may be, issued under this Act and the relevant provisions of this Act shall apply in relation to such vessel as they apply to an inland mechanically propelled vessel registered under this Act.”.

16. *Amendment of section 22.*—In section 22 of the principal Act, in sub-section (1), for the words and figures “before the first day of April, 1890”, the words and figures “for a period of three years before the first day of November, 1956” shall be substituted.

17. *Amendment of section 22A.*—In section 22A of the principal Act, in sub-section (1), in clause (b), for the words and figures “certificate granted under the Indian Steam Ships Act, 1884” (7 of 1884), the words and figures “certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)” shall be substituted.

18. *Amendment of section 25.*—In section 25 of the principal Act,—

(i) in clause (a), for the words and figures “certificate granted under the Indian Merchant Shipping Act, 1859 (1 of 1859), or granted under or continued in force by, the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60)”, the words and figures “certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)” shall be substituted;

(ii) in clause (b), for the words and figures “or the Indian Steam-ships Act, 1884, (7 of 1884), or granted under, or continued in force by, the Merchant Shipping Act, 1894) 57 and 58 Vict., c. 60)”, the words and figures “or granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)” shall be substituted.

19. *Amendment of section 26.*—In section 26 of the principal Act, in clause (b), for the words and figures “certificate granted under the Indian Steam-ships Act, 1884 (7 of 1884)”, the words and figures “certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)” shall be substituted;

20. *Amendment of section 28.*—In section 28 of the principal Act,—

(i) in clause (a), for the words and figures “certificate granted under the Indian Merchant Shipping Act,



1859 (1 of 1859), or granted under, or continued in force by, the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60)", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)" shall be substituted;

(ii) in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884 (7 of 1884), or an engineer's certificate granted under, or continued in force by, the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60)", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)" shall be substituted.

**21. Amendment of section 33.**—In sub-section (1) of section 33 of the principal Act, for the portion beginning with the words "If a formal investigation" and ending with the words "the State Government may", the following shall be substituted, namely:—

"Whenever the State Government is satisfied that it is necessary or expedient to have a formal investigation into the facts of any case reported under section 32 or otherwise brought to its notice, to the State Government may".

**22. Insertion of new Chapter IVA.**—After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

#### "CHAPTER IVA"

##### REMOVAL OF OBSTRUCTIONS AND SIMILAR HAZARDS IN NAVIGATION

**44A. Raising of or removal of wreck impeding navigation, etc.**—(1) If any mechanically propelled vessel or other vessel is wrecked, stranded or sunk in any inland water or is likely to become obstruction, impediment or danger to the safe and convenient navigation or use of inland water or the landing place or embarkment or part thereof, any officer empowered by the State Government by notification in the Official Gazette in this behalf (hereinafter in this Chapter referred to as competent officer) shall cause the vessel to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant.

(2) If any property recovered by a competent officer acting under sub-section (1) is unclaimed or the person claiming it fails to pay reasonable expenses incurred by the competent officer under that sub-section and a further sum of twenty-five per cent of the amount of such expenses, the competent officer may sell the property by public auction, if the property is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than two months after the recovery thereof.

(3) The expenses and further sum aforesaid shall be payable to the competent officer out of the sale proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to the person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

(4) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the competent officer on demand, and if the deficiency be not paid within one month of such demand, the competent officer may recover the deficiency from such owner as if it were an arrear of land revenue.

**44B. Removal of obstruction in inland water.**—(1) The competent officer may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of the inland water, which, in his opinion, obstructs or impedes the free navigation thereof or the lawful use of any landing place or embarkment or part thereof.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The competent officer or any magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

**44C. Recovery of expenses of removal.**—If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand or within fourteen days after such removal has been notified in the Official Gazette or in such other manner as the State Government may, by general or special order direct, the competent officer may cause such timber, raft or other thing or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same and if no such person appears, shall cause the same to be kept and deposited in such manner as the State Government directs, and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, or further sale of so much of the thing or materials as may remain unsold.

**44D. Removal of lawful obstruction.**—(1) If any obstruction or impediment to the navigation of any inland water has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the competent officer shall report the same for the information of the State Government and shall, with the sanction of the State Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(2) Any dispute arising out of or concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

**44E. Fouling of Government moorings.**—(1) If any mechanically propelled vessel hooks or gets fouled in any of the buoys or moorings laid down by or by the authority of the State Government in any part of inland water, the master of such vessel shall not, nor shall any other person, except in the case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the competent officer.

(2) The competent officer immediately on receiving information of such accident, shall assist and superintend the clearing of such vessel and the master of the vessel shall, on demand, pay such reasonable expenses as may be incurred in clearing the same.

(3) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees."

23. *Amendment of section 45.*—In section 45 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

“(bb) if the holder of such certificate is proved to have deserted his vessel or has absented himself, without leave and without sufficient reason, from his vessel or from his duty; or”

24. *Amendment of section 53.*—In section 53 of the principal Act, in sub-section (5), for the words and figures “section 59 of the Code of Criminal Procedure, 1898 (5 of 1898)”, the words and figures “section 43 of the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

25. *Amendment of section 54A.*—In section 54A of the principal Act,—

(i) in sub-section (1), in clauses (a), (b) and (c), for the words “per mile”, the words “per kilometre” shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) In case of any dispute relating to the fixation of the maximum or the minimum rate per kilometre which may be charged in respect of any class of passengers or of freight on goods of any description carried in inland mechanically propelled vessel between any stations lying in two States, any one of the States may report the matter to the Central Government who shall decide the same.”

26. *Insertion of new Chapter VIA.*—After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:—

#### ‘CHAPTER VIA

##### INSURANCE OF MECHANICALLY PROPELLED VESSELS AGAINST THIRD PARTY RISKS

54C. *Application of Chapter VIII of the Motor Vehicles Act, 1939, in relation to the insurance of mechanically propelled vessels.*—The provisions of Chapter VIII of the Motor Vehicles Act, 1939 (4 of 1939), shall *mutatis mutandis* apply, in relation to the insurance of mechanically propelled vessels against third party risks as they apply in relation to motor vehicles, subject to the following modifications, namely:—

(a) throughout in Chapter VIII,—

(i) references to “motor vehicle” or “vehicle” shall be construed as references to “mechanically propelled vessel”;

(ii) references to “public place” shall be construed as references to “inland water”;

and such other consequential amendments as the rules of grammar may require shall also be made;

(b) in section 94,—

(i) in sub-section (3), for clause (c), the following clause shall be substituted, namely:—

“(c) any State Water Transport Undertaking providing inland water transport services, where such Undertaking is carried on by—

(i) the Central Government or a State Government;

(ii) any local authority or any corporation or company owned by the Central Government or one or more State Governments or by the Central Government and one or more State Governments;”

(iii) in the Explanation, in item (iii), for the words “State Transport”, the words “State Water Transport” shall be substituted;

(c) in section 95,—

(i) in sub-section (1),—

(A) in clause (b), in sub-clause (ii), for the words “of a public service vehicle”, the

words and brackets “of a mechanically propelled vessel used or adapted to be used for the carriage of passengers for hire or reward (hereinafter referred to as a public service vessel)” shall be substituted,

(B) in the proviso, in clause (i), for sub-clauses (b) and (c), the following sub-clauses shall be substituted, namely:—

“(b) if it is a public service vessel, engaged as a conductor of the vessel or in examining tickets on the vessel, or

(c) if it is a vessel used or adapted for the carriage of goods solely or in addition to passengers (hereinafter referred to as goods service vessel), being carried in the vessel, or”;

(ii) in sub-section (2),—

(A) in clause (a), for the words “goods vehicle, a limit of fifty thousand rupees”, the words “goods service vessel, a limit of two lakhs and fifty thousand rupees” shall be substituted,

(B) in clause (b),—

(1) in sub-clause (i), for the words “fifty thousand rupees”, the words “two lakhs and fifty thousand rupees” shall be substituted;

(2) in sub-clause (ii),—

(a) in paragraph (3), for the words “one lakh”, the words “five lakhs” shall be substituted;

(b) in paragraph (4), the words “where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case” shall be omitted;

(C) in clause (b) for the words “a limit of rupees two thousand”, the words “a limit of ten thousand rupees” shall be substituted;

(d) in section 96,—

(i) in sub-section (2), in clause (b),—

(A) for sub-clause (i) the following sub-clause shall be substituted, namely:—

“(i) a condition excluding the use of the mechanically propelled vessel—

(a) for hire or reward, where the vessel is on the date of the contract of insurance, a vessel not covered by a certificate of registration, or

(b) for organised racing or speed testing, or

(c) for a purpose not allowed by the certificate of registration under which the vessel is used, where the vessel is a public service vessel or a goods service vessel, or”;

(B) in sub-clause (ii),—

(1) for the words “not duly licensed”, the words and figures “not holding a certificate granted under Chapter III of the Inland Vessels Act, 1917 (1 of 1917)” shall be substituted,

(2) for the words “a driving licence”, the words and figures “a certificate granted under Chapter III of the Inland Vessels Act, 1917 (1 of 1917)” shall be substituted;

(ii) in sub-section (2A), after the words “obtained from a Court”, the words “in the State of Jammu and Kashmir or” shall be inserted;

(iii) in the proviso to sub-section (2A) and in sub-section (6), after the words “corresponding law”, the words “of the State of Jammu and Kashmir or” shall be inserted;

(e) after section 105, the following section shall be inserted, namely:—

“105A. *Duty of driver in case of accident and injury to a person.*—When any person is injured or any property of third party is damaged as a result of an accident in which an inland mechanically propelled



vessel is involved, the master or the driver of the vessel or other person in charge of the vessel shall—

- (a) take all reasonable steps to secure medical attention for the injured person, and, if necessary, convey him to the nearest hospital, unless the injured person or his guardian in case he is a minor, desires otherwise;
- (b) give on demand by a police officer any information required by him or, if no police officer is present, report the circumstances of the occurrence at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence.”;
- (f) in section 106,—
  - (A) in sub-section (2), for the word and figures “section 89”, the word, figures and letter “section 105A” shall be substituted;
  - (B) in sub-section (2A) in the proviso, for the words “transport vehicle”, the words “public service vessel or goods service vessel” shall be substituted;
- (g) in section 107, for the words “whether by payment of a tax or otherwise for authority to use the vehicle in a public place to produce such evidence as may be prescribed by those rules to the effect that either”, the words “for a certificate of survey or a certificate of registration in respect of such vessel to produce such evidence as may be prescribed to the effect that either” shall be substituted;
- (h) in section 108,—
  - (A) for the words “transport vehicle”, wherever they occur, the words “public service vessel or goods service vessel” shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made;
  - (B) in sub-section (1), in clause (a),—
    - (1) for the words “twenty-five thousand rupees for the first fifty vehicles”, the words “one lakh rupees for the first fifty mechanically propelled vessels” shall be substituted,
    - (2) for the words “one hundred and fifty thousand rupees”, the words “two lakhs and fifty thousand rupees” shall be substituted;
- (i) for section 110 to section 110B, the following sections shall, respectively, be substituted, namely:—

“110. *Claims Tribunals*.—(1) The State Government may, by notification in the Official Gazette, constitute one or more Inland Vessels Accidents Claims Tribunals (hereinafter referred to as the Claims Tribunals) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of mechanically propelled vessels or damage to any property of a third party so arising, or both:

Provided that where such claim includes a claim for compensation in respect of damage to property exceeding rupees ten thousand the claimant may, at this option, refer the claim to a civil court for adjudication and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.

- (2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.
- (3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he—
  - (a) is, or has been, a Judge of a High Court, or
  - (b) is, or has been, a District Judge, or
  - (c) is qualified for appointment as a Judge of the High Court.
- (4) Where two or more Claims Tribunals are constituted for any area, the State Government may,

by general or special order, regulate the distribution of business among them.

110A. *Application for compensation*.—(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 110 may be made—

- (a) by the person who has sustained the injury, or
- (b) where death has resulted from the accident, by all or any of the legal representatives of the deceased, or
- (c) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within six months of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

110 AA. *Option regarding claim for compensation in certain cases*.—Notwithstanding anything contained in the Workmen's Compensation Act, 1923 (8 of 1923), where the death or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both.

110B. *Award of Claims Tribunal*.—On receipt of an application for compensation made under section 110A, the Claims Tribunal shall, after giving the parties an opportunity of being heard, hold an inquiry into the claim and may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid; and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or master or driver of the vessel involved in the accident or by all or any of them, as the case may be.”;

(j) in section 110C, for the words, figures and letters “section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898)”, the words, figures and letters “section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)”, shall be substituted.”.

27. *Amendment of section 58*.—In section 58 of the principal Act, for the words “ten rupees”, the words “one hundred rupees” shall be substituted.

28. *Insertion of new section 58A*.—After section 58 of the principal Act, the following section shall be inserted, namely:—

“58A. *Penalty for carrying excessive quantity of cargo on board*.—If an inland mechanically propelled vessel has on board or in any part thereof cargo which is in excess of the cargo set forth in the certificate of survey as the quantity of cargo which the vessel or the part thereof is, in the judgment of the surveyor, fit to carry, the owner and the master shall, each, in addition to the penalty to

which he may be liable under the provisions of section 58, be punishable with fine which may extend—

- (a) in the case of first offence, to five hundred rupees;
- (b) in the case of any second or subsequent offence, to one thousand rupees.”

29. *Insertion of new sections after section 62.*—After section 62 of the principal Act, the following sections shall be inserted, namely:—

“62A. *Punishment for offences relating to accident.*—

If the master or the driver or other person in charge of the inland mechanically propelled vessel fails to report an accident in which his vessel is involved as required under Chapter VIA, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

62B. *Penalty for using uninsured mechanically propelled vessel.*—If any person uses a mechanically propelled vessel or causes or allows a mechanically propelled vessel to be used without a policy of insurance complying with the requirements of Chapter VIA, he shall be punishable with fine which may extend to one thousand rupees.

62C. *Penalty for neglect or refusal to give information as to insurance or to produce certificate of insurance.*—If any person without reasonable cause neglects or refuses to give information as to insurance or to produce the certificate of insurance under the provisions contained in chapter VIA, he shall be punishable with fine which may extend to one hundred rupees.”

30. *Insertion of new sections after section 63.*—Section 63A of the principal Act shall be renumbered as section 63D and before section 63D as so renumbered, the following sections shall be inserted, namely:—

“63A. *Desertion and absence without leave.*—If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be liable to be punished summarily as follows:—

- (a) if he deserts from his mechanically propelled vessel, he shall be guilty of the offence of desertion and be liable to forfeit all or any of the property he leaves on board of the vessel and of wages he has then earned and also to imprisonment which may extend to three months;
- (b) if he neglects or refuses, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel or is absent without leave at any time within twenty-four hours of the vessel sailing from a port or ghat either at the commencement or during the progress of a voyage or is absent at any time without leave and without sufficient reason from his vessel or from his duty, he shall, if offence does not amount to desertion or is not treated as such by the master, be guilty of the offence of absence without leave and be liable to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months.

63B. *General offences against discipline.*—If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be guilty of an offence against discipline and he shall be liable to be punished summarily as follows:—

- (a) if he quits the mechanically propelled vessel without leave after her arrival at the port or ghat or port of delivery, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;
- (b) if he is guilty of wilful disobedience to any lawful command or neglect of duty, he shall be liable to forfeit out of his wages a sum not exceeding two days' pay;
- (c) if he is guilty of continued wilful disobedience to lawful command or continued wilful neglect of duty, he shall be liable to imprisonment which may extend to one month and also to forfeit over every twenty-four hours continuance of disobedience or neglect either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute;
- (d) if he assaults the master or any other officer of the vessel, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both;
- (e) if he combines with any officers to disobey to lawful commands or to neglect duty or to impede the navigation of the vessel or retard the progress of the voyage, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both;
- (f) if he wilfully damages his mechanically propelled vessel or commits criminal misappropriation or breach of trust in respect of or wilful damages to any of her stores or cargo he shall be liable to forfeit out of his wages a sum equal to the loss sustained and also to imprisonment which may extend to three months.

63C. *Entry of offence in official log-book.*—If any offence within the meaning of this Act or desertion or absence without leave or against discipline is committed or if any act of misconduct is committed for which the offender's agreement imposes fine and it is intended to enforce the fine,—

- (a) an entry of the offence or acts shall be made in the official log-book and signed by the master and one of the persons employed or engaged in any capacity on board of the mechanically propelled vessel;
- (b) the offender shall be furnished with a copy of the entry and have the same read over distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit;
- (c) a statement of a copy of the entry having been so furnished and entry having been so read over and the reply, if any, made by the offender shall likewise be entered and signed in the manner aforesaid;
- (d) in any subsequent legal proceedings the entries by this section required shall, if practicable, be produced or proved, and, in default of such production or proof, the court hearing the case may in its discretion refuse to receive evidence of the offence or act of misconduct.”

31. *Substitution of new section for section 69.*—For section 69 of the principal Act, the following section shall be substituted, namely:—

“69. *Exemption to Government vessels from fees.*—The State Government may, by notification in the Official Gazette, exempt all or any mechanically

propelled vessel belonging to or in the service of Government from payment of any fees payable by or under this Act."

32. *Amendment of section 72A.*—In section 72A of the principal Act,—

- (i) for the words "of a province in Pakistan", the words "of Bangladesh" shall be substituted;
- (ii) for the words "that Dominion", the words "that country" shall be substituted.

33. *Omission of section 73.*—Section 73 of the Principal Act shall be omitted.

34. *Amendment of section 74.*—In section 74 of the principal Act,—

- (i) in sub-section (1), for the words "on a State Government" the words "on the Central Government or a State Government" shall be substituted;

- (ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Assented to on 9-12-77.

## THE SALARIES AND ALLOWANCES OF MINISTERS (AMMENDMENT) ACT, 1977

(ACT No. 37 OF 1977)

AN  
ACT

*further to amend the Salaries and allowances of Ministers Act, 1952.*

BE it enacted by Parliament Twenty-eighth Year of the Republic of India a follows:—

1. *Short title.*—This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 1977.

2. *Substitution of new section for section 11.*—For section 11 of the Salaries and Allowances of Ministers Act, 1952 (58 of 1952) (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

"11. *Power to make rules.*—(1) The Central Government may make rules to carry out the purposes of this Act.

(2) Every rule made under this Act after the commencement of the Salaries and Allowances of Ministers (Amendment) Act, 1977 shall be laid before each House of Parliament and no such rule shall come into force until it has been approved, whether with or without modifications, by each House of Parliament and published by the Central Government in the Official Gazette."

3. *Validation.*—Notwithstanding anything contained in section 11 of the principal Act, as it stood immediately before the commencement of this Act, no rule made, or purporting to have been made, by the Central Government under that section with retrospective effect and no action taken or thing done in accordance with the

rule so made, at any time before the commencement of this Act, shall be deemed to be invalid or ever to have been invalid by reason only of the fact that the Central Government had no power to make such rule retrospectively under that section.

Assented to on 13th December, 1977.

## THE ADVOCATES (AMENDMENT) ACT, 1977

(ACT No. 38 OF 1977)

AN

ACT

*further to amend the Advocates Act, 1961.*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Advocates (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 31st day of October, 1977.

2. *Amendment of section 3.*—In section 3 of the Advocates Act, 1961 (25 of 1961) (hereinafter referred to as the principal Act), for sub-sections (3) and (3A), the following sub-sections shall be substituted, namely:—

"(3) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.

(3A) Every person holding office as Chairman or as Vice-Chairman of any State Bar Council immediately before the commencement of the Advocates (Amendment) Act, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that every such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of each State Bar Council, elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office."

3. *Amendment of section 4.*—(1) In section 4 of the principal Act,—

- (i) in sub-section (1), clause (bb) shall be omitted;
- (ii) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

"(2) There shall be a Chairman and a Vice-Chairman of the Bar Council of India elected by the Council in such manner as may be prescribed.

(2A) person holding office as Chairman or as Vice-Chairman of the Bar Council of India immediately before the commencement of the Advocates (Amendment) Act, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of the Council, elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office."

4. *Amendment of Section 8.*—(1) In sub-section (1) of section 8 of the principal Act, for the words "four years", the words "five years" shall be substituted.

(2) The amendment made by sub-section (1) to sub-section (1) of section 8 of the principal Act shall apply also to an electe member of every State Bar Council who has not completed the term of four years at the commencement of this Act.

5. *Amendment of section 15.*—In sub-section (2) of section 15 of the principal Act,—

(i) before clause (d), the following clause shall be inserted, namely:—

“(c) the manner of election of the Chairman and the Vice-Chairman of the Bar Council.”;

(ii) in clause (d), after the words “election to the Bar Council”, the words “or to the office of the Chairman or Vice-Chairman” shall be inserted.

6. *Amendment of section 34.*—In section 34 of the principal Act, after sub-section (1A), the following sub-section shall be inserted, namely:—

“(2) Without prejudice to the provisions contained in sub-section (1), the High Court at Calcutta may make rules providing for the holding of the intermediate and the Final examinations for articulated clerks to be passed by the persons referred to in section 28AG for the purpose of being admitted as advocates on the State roll and any other matter connected therewith.”.

7. *Insertion of new section 58AG.*—In the principal Act, after section 58AF, the following section shall be inserted, namely:—

“58AG. *Special provisions in relation to articulated clerks.*—Notwithstanding anything contained in this Act, every person who, immediately before the 31st day of December, 1976, has commenced his articleship and passed the Preliminary examination, for the purpose of enrolment as an attorney of the High Court at Calcutta in accordance with the rules made under sub-section (2) of section 34, before the omission of that sub-section by the Advocates (Amendment) Act, 1976 (107 of 1976), may be admitted as an advocate on the State roll if he—

(i) passes, on or before the 31st day of December, 1980,—

(a) the Final examination in a case where such person has, before the 31st day of December, 1976, passed the Intermediate examination,

(b) the Intermediate and the Final examinations in any other case.

*Explanation.*—For the purpose of this clause, the High Court at Calcutta may prescribe such rules as may be necessary under sub-section (2) of section 34, specifying the nature of the examinations and any other matter relating thereto;

(ii) makes an application for such enrolment in accordance with the provisions of this Act; and

(iii) fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1) of section 24.”.

8. *Repeal and saving.*—(1) The Advocates (Amendment) Ordinance, 1977 (16 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Assented to on 13th December, 1977.

# THE INDIAN IRON AND STEEL COMPANY (ACQUISITION OF SHARES AMENDMENT) ACT, 1977

(ACT No. 39 OF 1977)

AN  
ACT

to amend the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Indian Iron and Steel Company (Acquisition of Shares) Amendment Act, 1977.

(2) It shall be deemed to have into force on the 13th day of October, 1977.

2. *Amendment of section 2.*—In section 2 of the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976 (89 of 1976) (hereinafter referred to as the principal Act), for clause (h), the following clause shall be substituted, namely:—

“(h) “shareholder” means,—

(i) a person who, immediately before the appointed day, was registered by the Company as the holder of any share and includes his legal representative; or

(ii) a person who, before the appointed day, had lodged with the Company a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956 (1 of 1956), and executed in accordance with the provisions of that section; or

(iii) a person who claims under a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956 (1 of 1956), and delivers such instrument, duly executed, to the Commissioner on or before such date as the Central Government may, by notification, specify in this behalf;”.

3. *Amendment of section 7.*—In section 7 of the principal Act, in sub-section (1),—

(i) in the opening paragraph, for the words “within thirty days from the specified date”, the words, figures and letters “on or before the 30th day of November, 1977” shall be substituted and shall be deemed always to have been substituted;

(ii) for the proviso, the following proviso shall be substituted and shall be deemed always to have been substituted, namely:—

“Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim before the said date, he may entertain the claim within a further period of thirty days from that date and not thereafter.”.

4. *Insertion of new sections 7A and 7B.*—After section 7 of the principal Act, the following sections shall be inserted, namely:—

“7A. *Power of Commissioner to inquire into disputes as to persons entitled to any amount.*—Where there is any dispute as to the person or persons who are entitled to any amount payable under this Act (including any dispute as to who are the legal representatives of any deceased claimant to the amount), the Commissioner may, after making such inquiry as he may deem fit, make the payment to such person as appears to him to be best entitled to receive the amount:

Provided that if the Commissioner is unable to determine as to who is the person entitled to the amount and considers that the matter could more appropriately be dealt with by the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated, he may refer such dispute to the said court, whose decision thereon shall be final:

Provided further that nothing contained herein shall affect the liability of any person, who

may receive the whole or any part of the amount allowed under this Act, to pay the same to the person lawfully entitled thereto.

7. *Deposit of amount in court.*—Where any dispute has been referred under section 7A by the Commissioner to the civil court referred to therein, he shall deposit the amount in that court.”

5. *Repeal and saving.*—(1) The Indian Iron and Steel Company (Acquisition of Shares) Amendment Ordinance, 1977 (15 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assented to on 15th December, 1977.

## THE ENEMY PROPERTY (AMENDMENT) ACT, 1977

(ACT No. 40 OF 1977)

AN

ACT

to amend the Enemy Property Act, 1968.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Enemy Property (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 27th day of September, 1977.

2. *Amendment of long title.*—In the long title of the Enemy Property Act, 1968 (34 of 1968) (hereinafter referred to as the principal Act), after the words and figures “Defence of India Rules, 1962”, the words and figures “and the Defence of India Rules, 1971” shall be inserted.

3. *Amendment of section 2.*—In clause (b) of section 2 of the principal Act, after the words and figures “Defence of India Rules, 1962”, the words and figures “or the Defence of India Act, 1971 (42 of 1971), and the Defence of India Rules, 1971” shall be inserted.

4. *Amendment of section 3.*—In the proviso to section 3 of the principal Act, after the words and figures “Defence of India Rules, 1962”, the words and figures “or the Defence of India Rules, 1971, as the case may be” shall be inserted.

5. *Amendment of section 4.*—In the proviso to section 4 of the principal Act, after the words and figures “Defence of India Rules, 1962”, the words and figures “or the Defence of India Rules, 1971, as the case may be” shall be inserted.

6. *Amendment of section 5.*—Section 5 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding the expiration of the Defence of India Act, 1971 (42 of 1971) and the Defence of India Rules, 1971 all enemy property vested before such expiration in the Custodian of Enemy Property for India appointed under the said Rules and continuing to vest in him immediately before the commencement of Enemy Property (Amendment) Act, 1977 shall, as from such commencement, vest in the custodian.”

7. *Amendment of section 7.*—In section 7 of the principal Act, after the words and figures “Defence of India Rules, 1962”, wherever they occur, the words and figures “or the Defence of India Rules, 1971, as the case may be” shall be inserted.

8. *Amendment of section 8.*—In sub-section (2) of section 8 of the principal Act, in clause (x), after the figures, letters and word “25th October, 1962”, the words, figures and letters “or on the 3rd December, 1971” shall be inserted.

9. *Amendment of section 23.*—In sub-section (3) of section 23 of the principal Act, for the words “or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

10. *Amendment of section 24.*—Section 24 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Every order which was made under the Defence of India Rules, 1971 by the Central Government or by the Custodian of Enemy Property for India appointed under those Rules relating to enemy property and which was in force immediately before the expiration thereof shall, in so far as such order is not inconsistent with the provisions of this Act, be deemed to continue in force and to have been made under this Act.”

11. *Repeal and saving.*—(1) The Enemy Property (Amendment) Ordinance, 1977 (11 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Assented to on 17th December, 1977.

## THE SMITH, STANISTREET AND COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1977

(ACT No. 41 OF 1977)

to provide for, in the public interest, the acquisition and transfer of the right, title and interest of the undertakings of Messrs Smith, Stanistreet and Company Limited, Calcutta and for matters connected therewith or incidental thereto.

WHEREAS Messrs Smith, Stanistreet and Company Limited, Calcutta were engaged in the manufacture and distribution of pharmaceuticals and chemicals which are essential to meet the needs of the public;

AND WHEREAS the management of the undertakings of Company was in a manner highly detrimental to the public interest and had suffered heavy losses;

AND WHEREAS the management of the Company was taken over by the Central Government under section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS for the purpose of reconstructing and rehabilitating the undertakings of the Company so as to subserve the interest of the general public by the augmentation and distribution of the different varieties of essential pharmaceuticals and chemicals produced by the said Company, and to ensure the continued supply thereof, it is necessary to acquire the right, title and interest of the undertakings of Messrs Smith, Stanistreet and Company Limited, Calcutta;

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—



## CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Smith, Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Act, 1977.

(2) It shall be deemed to have come into force on the 1st day of October, 1977.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "appointed day" means the 1st day of October, 1977;
- (b) "Company" means the Smith, Stanistreet and Company Limited, being a company as defined in the Companies Act, 1956 (1 of 1956), and having its registered office at 18, Convent Road, Caccutta-700014;
- (c) "Commissioner" means the Commissioner of Payments appointed under section 14;
- (d) "notification" means a notification published in the Official Gazette;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "specified date" means such date as the Central Government may for the purposes of any of the provisions of this Act, by notification, specify and different dates may be specified for different provisions of this Act;
- (g) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956) have the meanings respectively assigned to them in that Act.

## CHAPTER II

### ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. *Transfer to and vesting in Central Government of the undertakings of the Company.*—On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, be transferred to, and shall vest in, the Central Government.

4. *General effect of vesting.*—(1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting it, and any attachment, injunction or decree or order of any court restricting the use of such property in any manner or appointing any receiver in respect of the whole or any part of such property shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and

interests, payment of the mortgage money or other dues, in whole or in part out of the amount specified in section 7, and also out of the monies determined under section 8, but, no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) If on the appointed day, any suit, appeal or other proceeding by or against the Company, of whatever nature in relation to any property which has vested in the Central Government, under section 3, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Company.

5. *Central Government or Government company not to be liable for prior liabilities.*—(1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company.

(2) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this Act, no liability of the Company in relation to its undertakings in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute, which arose before that day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company;

(c) no liability incurred by the Company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company.

6. *Power of Central Government to direct vesting of the undertakings of the Company in a Government company.*—

(1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification that the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings which have vested in that Government under section 3, shall, instead of continuing to vest in that Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings, vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

### CHAPTER III PAYMENT OF AMOUNTS

7. *Payment of amount.*—For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be given by the Central Government to the Company, in cash, and in the manner specified in Chapter VI, an amount of three crores and seventy-four thousand rupees.

8. *Payment of further amount.*—(1) For the deprivation of the Company of the management of its undertakings, there shall be given to the Company by the Central Government an amount calculated at the rate of ten thousand rupees per annum for the period commencing on the date on which the management of the undertakings of the Company was taken over by the Central Government and ending on the appointed day.

(2) The amount specified in section 7 and the amount determined under sub-section (1) shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which the payment of the amount is made by the Central Government to the Commissioner.

(3) The amount determined in accordance with the provisions of sub-sections (1) and (2) shall be given by the Central Government to the Company in addition to the amount specified in section 7.

(4) For the removal of doubts, it is hereby declared that the liabilities of the Company in relation to its undertakings which have vested in the Central Government under section 3, shall be discharged from the amount referred to in section 7, and also from the amounts determined under sub-sections (1) and (2), in accordance with the rights and interests of the creditors of the Company.

### CHAPTER IV

#### MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

9. *Management, etc., of the undertakings of the Company.*—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

- (a) where a direction has been issued by the Central Government under sub-section (1) of section 6, vest in the Government company specified in such direction; or
- (b) where no such direction has been issued by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2).

and thereupon the Government company so specified or the Custodian so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

(2) The Central Government may, appoint one or more individuals or a Government company as the Custodian of the undertakings of the Company in relation to which no direction has been issued by it under sub-section (1) of section 6.

10. *Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.*—

(1) on the vesting of the management of the undertakings of the Company in a Government company or on the appointment of a Custodian, all persons in charge of the management of the undertakings of the Company immediately before such vesting or appointment, shall be

bound to deliver to the Government company or the Custodian, as the case may be, all assets, books of account, registers or other documents in their custody relating to the undertakings of the Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or the Custodian as to its or his powers and duties and the Government company or Custodian may also, if it or he so desires, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted by it or him or in relation to any other matter arising in the course of such management.

(3) The Custodian shall receive from the funds of the undertakings of the Company such remuneration as the Central Government may fix and shall hold office during the pleasure of the Government.

11. *Accounts and audit.*—The Custodian of the undertakings of the Company shall maintain the accounts of the undertakings of the Company in such form and in such manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956 (1 of 1956), shall apply to the audit of the accounts so maintained as they apply to the audit of the accounts of a company.

### CHAPTER V

#### PROVISIONS RELATING TO EMPLOYEES OF THE COMPANY

12. *Employment of employees to continue.*—(1) Every person who has been, immediately before the appointed day, employed by the Company in relation to its undertakings, shall become, on and from the appointed day, an employee of the Central Government or, as the case may be, of the Government company referred to in section 6, and shall hold office or service under the Central Government or Government company, as the case may be, with the same remuneration and upon the same terms and conditions, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly terminated or until his remuneration, terms and conditions of service are duly altered by the Central Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes, Act, 1947 (14 of 1947), or in any other law for the time being in force the transfer of the services of any officer or other person employed in the undertaking of the Company to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

13. *Provident and other funds.*—(1) Where the Company has established a provident, superannuation, welfare or other fund for the benefit of the persons employed in the undertakings of the Company, the monies relatable to the employees, whose services have become transferred by or under this Act to the Central Government or Government company, shall, out of the monies standing, on the appointed day, to the credit of such provident, superannuation, welfare or other fund, stand transferred to, and shall vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or the Government company in such manner as may be prescribed.

## CHAPTER VI

## COMMISSIONER OF PAYMENTS

**14. Appointment of Commissioner of Payments.**—(1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under sections 7 and 8, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner to exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

**15. Payment by the Central Government to the Commissioner.**—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company—

(a) an amount equal to the amount specified in section 7; and

(b) an amount equal to the amount payable to the Company under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner, shall be deposited by him to the credit of the said account and the said deposit account shall be operated by the Commissioner.

(3) Interest accruing on the amounts standing to the credit of the deposit account referred to in sub-section (2) shall accrue to the said account.

**16. Certain powers of the Central Government or Government company.**—(1) The Central Government or the Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company in relation to its undertakings which have vested in the Central Government, or the Government company, realised after the appointed day notwithstanding that the realisations pertain to a period prior to the appointed day.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company, in relation to any period prior to the appointed day; and every such claim shall have priority, in accordance with the priorities attaching, under this Act, to the matter in relation to which such liabilities have been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

**17. Claims to be made to the Commissioner.**—Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring

the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

**18. Priority of claims.**—The claims arising out of the matters specified in the Schedule shall have priority in accordance with the following principles, namely:—

(a) category I will have precedence over all other categories and category II will have precedence over category III, and so on;

(b) the claims specified in each of the categories, shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims, full, they shall abate in equal proportions and be paid accordingly;

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

**19. Examination of claims.**—(1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

(2) If, on examination of the claims, the Commissioner is of the opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the liabilities in respect of such lower category.

**20. Admission or rejection of claims.**—(1) After examining the claims with reference to the priority set out in the Schedule, the Commissioner shall fix a date on or before which every claimant shall file the proof of his claim, failing which he shall be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in English language and in one issue of the daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within time specified in the advertisement.

(3) Every claimant who fail to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).



(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, the appeal shall lie to the High Court at Calcutta and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

21. *Disbursement of money by Commissioner to claimants.*—After admitting a claim under this Act, the amount due in respect of such claims shall be paid by the Commissioner to the person or persons to whom such sums are due, and, on such payment, the liability of the Company in respect of such claim shall stand discharged.

22. *Disbursement of amounts to the Company.*—(1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where any machinery, equipment or other property has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or the Government company to continue to possess such machinery, equipment or other property in the same terms and conditions under which they were possessed by the Company immediately before the 4th day of May, 1972.

23. *Undisbursed or unclaimed amount to be deposited with the general revenue account.*—Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the last day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

24. *Assumption of liability.*—(1) Where any liability of the Company arising out of all or any of the items specified in category I, category II, category III, category IV of the Schedule are not discharged fully by the Commissioner out of the amount paid to him under this Act, the Commissioner shall intimate in writing to the Central Government the extent of the liability which remains undisbursed, and that liability shall be assumed by the Central Government.

(2) The Central Government may, by order, direct the Government company to take over any liability assumed by that Government under sub-section (1), and on receipt of such direction, it shall be the duty of the Government company to discharge such liability.

## CHAPTER VII

### MISCELLANEOUS

25. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

26. *Contracts to cease to have effect unless ratified by the Central Government or Government company.*—(1) Every contract entered into by the Company in relation to its undertakings for any service, sale or supply, and in force immediately before the appointed day, shall on

and from the expiry of one hundred and eighty days from that day, cease to have effect, unless such contract is before the expiry of the period, ratified, in writing, by the Central Government or Government company, and, in ratifying such contract, the Central Government or Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or the Government company shall not omit to ratify a contract, and, shall not make any alteration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interest of the Central Government or Government Company.

(2) The Central Government or Government company shall not omit to ratify a contract, and, shall not make any alteration or modification therein, except after giving to the parties to the contract reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

27. *Penalties.*—Any person who,—

- (a) having in his possession, custody or control any property forming part of the undertakings of the Company, wrongfully withholds such property from the Central Government or the Government company or any person or body of persons authorised by that Government or Government company; or
- (b) wrongfully obtains possession of, or retains, any property forming part of the undertakings of the Company or wilfully withholds or fails to furnish to the Central Government, or the Government company or any person or body of persons authorised by that Government or Government company any document relating to such undertakings which may be in his possession, custody or control or fails to deliver to the Central Government or the Government company or any person or body of persons authorised by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to the undertakings of the Company; or
- (c) wrongfully removes or destroys any property forming part of the undertakings of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate.

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

28. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

29. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Custodian of the undertakings of the Company or the Government company or any officer or other person authorised by that Government or the Government company for anything which is in good faith done or intended to be done under this Act.

30. *Delegation of powers.*—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the power conferred by section 31, may also be exercised by any person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

31. *Power to make rules.*—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which and the manner in which an intimation referred to in sub-section (3) of section 4 shall be given;
- (b) the form and the manner in which, and the conditions under which, the Custodian shall maintain accounts as required by section 11;
- (c) the manner in which monies in any provident or other fund referred to in section 13 shall be dealt with;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

33. *Declaration as to policy of the State.*—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

*Explanation.*—In this section "State" has the meaning as in article 12 of the Constitution.

34. *Repeal and saving.*—(1) The Smith, Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1977 (13 of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### THE SCHEDULE

(See sections 18, 19, 20, 22 and 24)

ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES  
OF THE COMPANY

#### PART 'A'

##### POST-TAKE-OVER MANAGEMENT PERIOD

##### Category I.

- (a) Wages, salaries and other dues of the employees of the Company.
- (b) Loans advanced by the Central Government.
- (c) Loans advanced by Indian Drugs and Pharmaceuticals Limited.
- (d) Loans advanced by banks guaranteed by the Central Government.
- (e) Credit availed of for purposes of trade or manufacturing operations.

##### Category II.

- (a) Revenue, taxes, cesses, rates or other dues to the Central Government or a State Government.
- (b) Sales tax, rates and taxes, contributions to be made to the Employees' State Insurance Fund and Additional Dearness Allowances payable to employees.

#### PART 'B'

##### PRE-TAKE-OVER MANAGEMENT PERIOD

##### Category III.

Arrears in relation to provident fund, salaries and wages and other amounts due to employees of the Company.

##### Category IV.

Principal amount due in relation to all secured loans.

##### Category V.

Amounts due by way of interest due in relation to the secured loans referred to in category IV.

##### Category VI.

Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

##### Category VII.

- (a) Any credit availed of for purposes of trade or manufacturing operations.
- (b) Any other dues.

Assented to on 20-12-77.

#### THE GRESHAM AND CRAVEN OF INDIA (PRIVATE) LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1977 (ACT No. 42 of 1977)

AN  
ACT

*to provide for the acquisition and transfer of the undertakings of Messrs. Gresham and Craven of India (Private) Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the Railways and of the industries manufacturing engineering products and for matters connected therewith or incidental thereto.*

WHEREAS Messrs. Gresham and Craven of India (Private) Limited were engaged in the manufacture and production of components of rolling stock like vacuum brake equipment, ejectors, steam brake valves and vacuum exhausters and the like needed by the Railways and the industries manufacturing engineering products;

AND WHEREAS as a result of the losses suffered by the Company, there had been a closure of the works owned by the Company;

AND WHEREAS for the purpose of speedily bringing the closed works of the Company into operation, the management of the undertakings of the Company was taken over by the Central Government for a limited period under section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS it is necessary to acquire the undertakings of the Company to ensure the continuance of the production of goods which are vital to the needs of the Railways and of the industries manufacturing engineering products;

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Gresham and Craven of India (Private Limited) (Acquisition and Transfer of Undertakings) Act, 1977.

(2) The provisions of sections 28 and 29 shall be deemed to have come into force on the 30th day of September, 1977 and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of August, 1977.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the 1st day of August, 1977;
- (b) “Braithwaite and Company Limited” means the Government company known as the Braithwaite and Company Limited in which the undertakings of the Braithwaite and Company (India) Limited together with the right, title and interest of the said Company thereon vested with effect from the 1st day of December, 1976, in pursuance of the notification of the Government of India in the Ministry of Industry (Department of Heavy Industry) No. S.O. 771 (E), dated the 3rd December, 1976, issued under sub-section (1) of section 6 of the Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Act, 1976 (96 of 1976);
- (c) “Commissioner” means the Commissioner of Payments appointed under section 14;
- (d) “Company” means the Gresham and Craven of India (Private) Limited, being a company as defined in the Companies Act, 1956 (1 of 1956), and having its registered office at 22-Gobra Road, Calcutta 14;
- (e) “Government company” has the meaning assigned to it by section 617 of the Company Act, 1956 (1 of 1956);
- (f) “notification” means a notification published in the Official Gazette;
- (g) “Ordinance” means the Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1977 (14 of 1977);
- (h) “prescribed” means prescribed by rules made under this Act;
- (i) “specified date” means such date as the Central Government may, for the purpose of any provision of this Act, by notification, specify and different dates may be specified for different provisions of this Act;
- (j) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956), shall have the meanings, respectively, assigned to them in that Act.

## CHAPTER II

### ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. *Transfer of and vesting in the Central Government of the undertakings of the Company.*—On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

4. *General effect of vesting.*—(1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by

force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them, and any attachment, injunction or decree or order of any court restricting the use of such property in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property, shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amounts specified in section 8, and also out of the monies determined under section 9, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Central Government, under section 3, instituted or preferred by or against the Company is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7, to vest in a Government company, that Government company.

5. *Central Government or the Braithwaite and Company Limited or the Government company not to be liable for prior liabilities.*—(1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7, to vest in a Government company, against that Government company.

(2) For the removal of doubts, it is hereby declared that,—

- (a) save as otherwise expressly provided in this Act, no liability of the Company in respect of any period prior to the appointed day shall be enforceable against the Central Government, or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7, to vest in a Government company, against that Government company;
- (b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government, or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7 to vest in a Government company, against that Government company;
- (c) no liability incurred by the Company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7, to vest in a Government company, against that Government company.

6. *Vesting of the undertakings of the Company in the Braithwaite and Company Limited.*—(1) Notwithstanding anything contained in sections 3 and 4, the Central Government shall, as soon as may be, after the promulgation

of the Ordinance, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the Braithwaite and Company Limited either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings vest in the Braithwaite and Company Limited under sub-section (1), the Braithwaite and Company Limited shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and, all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Braithwaite and Company Limited.

7. *Power of Central Government to direct vesting of the undertakings of the Company in a Government company.*—(1) Notwithstanding anything contained in sections 3, 4 and 6, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3 and thereafter in the Braithwaite and Company Limited, under section 6, shall, instead of continuing to vest in the Braithwaite and Company Limited, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government or the Braithwaite and Company Limited in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

### CHAPTER III

#### PAYMENT OF AMOUNTS

8. *Payment of amount.*—For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be given by the Central Government to the Company, in cash, and in the manner specified in Chapter VI, an amount of rupees one hundred and seventy-six lakhs.

9. *Payment of further amount.*—(1) For the deprivation of the Company of the management of its undertakings, there shall be given to the Company by the Central Government an amount calculated at the rate of rupees fifty thousand per annum for the period commencing on the date on which the management of the undertakings of the Company was taken over by the Central Government and ending on the appointed day.

(2) In consideration of the retrospective operation of the provisions of sections 3, 4 and 5, there shall also be given, in cash, by the Central Government to the Company, an amount equal to an amount calculated at the rate of rupees fifty thousand per annum for the period commencing on the appointed day and ending on the date of promulgation of the Ordinance.

(3) The amount specified in section 8 and the amount determined under sub-sections (1) and (2) shall carry simple interest at the rate of four per cent per annum for the period commencing on the date of promulgation of the Ordinance and ending on the date on which payment of such amounts is made by the Central Government to the Commissioner.

(4) The amounts determined in accordance with the provisions of sub-sections (1), (2) and (3) shall be given

by the Central Government to the Company in addition to the amount specified in section 8.

(5) For the removal of doubts, it is hereby declared that the liabilities of the Company, in relation to its undertakings which have vested in the Central Government under section 3, shall be discharged from the amounts referred to in section 8, and also from the amounts determined under sub-sections (1), (2) and (3) in accordance with the rights and interests of the creditors of the Company.

### CHAPTER IV

#### MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

10. *Management, etc., of the undertakings of the Company.*—(1) The Braithwaite and Company Limited in which the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings vested under section 6 shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

(2) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested, under section 3, in the Central Government and, under section 6, in the Braithwaite and Company Limited shall, where a direction has been made by the Central Government under sub-section (1) of section 7, vest in the Government company specified in such direction, and thereupon the Government company so specified shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

11. *Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.*—(1) On the vesting of the management of the undertakings of the Company in the Braithwaite and Company Limited, all persons in charge of the management of the undertakings of the Company immediately before such vesting shall be bound to deliver to the Braithwaite and Company Limited all assets, books of account, registers or other documents in their custody relating to the undertakings of such Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Braithwaite and Company Limited as to its powers and duties and the Braithwaite and Company Limited may also, if it so desires, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted by it or in relation to any other matter arising in the course of such management.

(3) On the vesting of the management of the undertakings of the Company in a Government company, the provisions of sub-sections (1) and (2) shall apply to, or in relation to, the Government company as they apply to, or in relation to, the Braithwaite and Company Limited, subject to the modification that the references to the Braithwaite and Company Limited shall be construed as references to the Government company.

### CHAPTER V

#### PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

12. *Employment of certain employees to continue.*—(1) Every person who has been immediately before the appointed day, employed in any undertaking of the Company shall become, on and from the appointed day or such later date, as the case may be, an employee of the Braithwaite and Company Limited, or, as the case may be, of the Government company in which the right, title and interest of the Company in relation to its undertakings, have vested under this Act, and shall hold office or service under the Braithwaite and Company Limited, or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Braithwaite and Company Limited, or the



Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Braithwaite and Company Limited, or by the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company to the Braithwaite and Company Limited, or the Government company, shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(3) Where, under the terms of any contract of service or otherwise, any person, whose services become transferred to the Braithwaite and Company Limited, or the Government Company, by reason of the provisions of this Act, is entitled to any arrears of salary or wages or any payments for any leave not availed of or any other payment, not being payment by way of gratuity or pension, such person may enforce his claim against the Company, but not against the Central Government, or the Braithwaite and Company Limited, or the Government company.

13. *Provident fund and other funds.*—(1) Where the Company has established a provident fund, superannuation fund, welfare fund or other fund for the benefit of the persons employed in any of the undertakings of the Company, the monies relating to the officers or other employees, whose services have become transferred by or under this Act to the Braithwaite and Company Limited, or the Government company, shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and shall vest in, the Braithwaite and Company Limited, or the Government company, as the case may be.

(2) The monies which stand transferred under subsection (1) to the Braithwaite and Company Limited, or the Government company, as the case may be, shall be dealt with by the Braithwaite and Company Limited, or the Government company, in such manner as may be prescribed.

## CHAPTER VI

### COMMISSIONER OF PAYMENTS

14. *Appointment of Commissioner of Payments.*—(1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under sections 8 and 9, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. *Payment by the Central Government to the Commissioner.*—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company—

(a) an amount equal to the amount specified in section 8, and

(b) an amount equal to the amount payable to the Company under section 9.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) The interest accruing on the amount standing to the credit of the deposit account referred to in subsection (2) shall enure to the benefit of the Company.

16. *Certain powers of the Central Government or Braithwaite and Company Limited or Government company.*—

(1) The Central Government, or the Braithwaite and Company Limited, or the Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to its undertakings which have vested in the Central Government or the Braithwaite and Company Limited, or the Government company, realised after the appointed day notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government, or the Braithwaite and Company Limited, or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching under this Act, to the matter in relation to which such liability has been discharged by the Central Government, or the Braithwaite and Company Limited, or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

17. *Claims to be made to the Commissioner.*—Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, and not thereafter.

18. *Priority of claims.*—The claims arising out of the matters specified in the Schedule shall have priorities in accordance with the following principles, namely:—

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly;

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

19. *Examination of claims.*—(1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

(2) If, on examination of the claims the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

20. *Admission or rejection of claims.*—(1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim failing which he will be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of a daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner the appeal shall lie to the High Court at Calcutta, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

21. *Disbursement of money by the Commissioner to claimants.*—After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such sums are due, and, on such payment, the liability of the Company in respect of such claim shall stand discharged.

22. *Disbursement of amounts to the Company.*—(1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where the possession of any machinery, equipment or other property, has vested in the Central Government or the Braithwaite and Company Limited, or the Government company, under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government, or the Braithwaite and Company Limited, or the Government company to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

23. *Undisbursed or unclaimed amount to be deposited to the general revenue account.*—Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the last day on which the disbursement was made shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

## CHAPTER VII MISCELLANEOUS

24. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

25. *Contracts to cease to have effect unless ratified by the Central Government or Braithwaite and Company Limited or Government company.*—(1) Every contract entered into by the Company in relation to its undertakings for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the date of promulgation of the Ordinance, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government, or the Braithwaite and Company Limited, or the Government company, and, in ratifying such contract, the Central Government, or the Braithwaite and Company Limited, or the Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government, or the Braithwaite and Company Limited, or the Government company shall not omit to ratify a contract, and shall not make any alteration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government, or the Braithwaite and Company Limited, or the Government company.

(2) The Central Government, or the Braithwaite and Company Limited, or the Government company shall not omit to ratify a contract, and shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording, in writing, its reasons for refusal to ratify the contract or for making any alteration or modification therein.

26. *Protection of action taken in good faith.*—(1) No suit, prosecution, or other legal proceeding shall lie against the Central Government or any officer of that Government, or the Braithwaite and Company Limited, or the Government company, or any officer or other person authorised by that Government, or the Braithwaite and Company Limited or the Government company, for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees, or the Braithwaite and Company Limited, or the Government company, or any officer or other person authorised by the Braithwaite and Company Limited, or the Government company, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

27. *Delegation of powers.*—(1) The Central Government, may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the power conferred by section 30, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

28. *Penalties.*—Any person who,—

(a) having in his possession, custody or control any property forming part of any undertaking of the Company, wrongfully withholds such property from the Central Government, or the Braithwaite and Company Limited, or the Government company; or

(b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of the Company or wilfully withholds or fails to furnish to the Central Government, or the Braithwaite and Company Limited, or the Government company, or any person or body of persons specified by that Government, or the Braithwaite and Company

Limited, or the Government company, any document relating to such undertaking which may be in his possession, custody or control or fails to deliver to Central Government, or the Braithwaite and Company Limited, or the Government company or any person or body of persons specified by that Government, or the Braithwaite and Company Limited, or the Government company, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertaking of the Company; or

(c) wrongfully removes or destroys any property forming part of any undertaking of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

**29. Offences by companies.**—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary, or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals;
- (b) "director", in relation to a firm means a partner in the firm.

**30. Power to make rules.**—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation shall be given to the Commissioner under sub-section (3) of section 4;
- (b) the manner in which the monies in any provident fund or other fund referred to in section 13 shall be dealt with;
- (c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**31. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the

Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

**32. Declaration as to the policy of the State.**—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

*Explanation.*—In this section, "State" has the same meaning as in article 12 of the Constitution.

**33. Repeal and saving.**—(1) The Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1977 (14 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

## THE SCHEDULE

(See sections 18, 19, 20 and 22)

### ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

#### PART A

##### *Post-take-over management period*

Wages, salaries and other dues of the employees of the Company.

##### *Category I*

Wages, salaries and other dues of the employees of the Company.

##### *Category II*

- (i) Loans advanced by the Central Government.
- (ii) Loans advanced by Banks.

##### *Category III*

Any credit availed of by the Company for the purpose of carrying on and trading or manufacturing operations.

##### *Category IV*

Any other loans.

##### *Category V*

Revenue, taxes, cesses, rates or any other dues to the Central Government or a State Government.

#### PART B

##### *Pre-take-over Management period*

##### *Category VI*

Arrears in relation to contributions to be made by the Company to the provident fund, salaries, wages and other amounts due to the employees of the Company.

##### *Category VII*

Overdrafts from Banks.

##### *Category VIII*

Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a Local Authority or a State Electricity Board.

##### *Category IX*

(i) Any credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.

(ii) Any other dues.



Assented to on

THE PAYMENT OF BONUS (AMENDMENT) ACT,  
1977

(ACT No. 43 OF 1977)

AN  
ACT

further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Payment of Bonus (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 3rd day of September, 1977.

2. *Act 21 of 1965 to have modified effect for a particular period.*—The Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act) shall,—

- (a) in relation to a factory or other establishment to which the principal Act applies immediately before the commencement of this Act; and
- (b) in relation to a banking company and the Industrial Reconstruction Corporation of India to which the principal Act applies on and from such commencement by virtue of this Act,

have effect in respect of the accounting year commencing on any day in the year 1976 as if the amendments specified in sections 3 to 20 had been made in that Act.

*Explanation.*—In this section, the expressions “banking company” and “accounting year” shall have the meanings respectively assigned to them in clauses (8) and (1) of section 2 of the principal Act.

3. *Substitution of long title.*—In the principal Act, for the long title, the following long title shall be substituted, namely:—

“An Act to provide for the payment of bonus to persons employed in certain establishments and for matters connected therewith.”

4. *Amendment of section 2.*—In section 2 of the principal Act, in sub-clause (a) of clause (4), after the words “being a company” the brackets and words “(other than a banking company)” shall be inserted.

5. *Substitution of new section for section 4.*—For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. *Computation of gross profits.*—The gross profits derived by an employer from an establishment in respect of the accounting year shall—

- (a) in the case of a banking company, be calculated in the manner specified in the First Schedule;
- (b) in any other case, be calculated in the manner specified in the Second Schedule”.

6. *Amendment of section 6.*—In section 6 of the principal Act,—

- (a) in clause (b), for the words “development rebate or development allowance”, the words “development rebate or investment allowance or development allowance” shall be substituted;
- (b) in clause (d), for the words “Second Schedule”, the words “Third Schedule” shall be substituted.

7. *Amendment of section 7.*—In section 7 of the principal Act, in clause (e), for the brackets and words “(other than development rebate or development allowance)”, the brackets and words “(other than development rebate or investment allowance or development allowance)” shall be substituted.

8. *Amendment of section 10.*—In section 10 of the principal Act,—

(a) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Notwithstanding anything contained in sub-section (1) regarding the payment of minimum bonus, but subject to the other provisions of this Act, every employer shall be bound to pay to every employee a minimum bonus which shall be 8.33 per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees, whichever is higher, whether or not the employer has any allocable surplus in the accounting year:

Provided that where an employee has not completed fifteen years of age at the beginning of the accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words “one hundred rupees”, the words “sixty rupees” were substituted.”;

(b) in sub-section (3), for the words “Third Schedule”, the words “Fourth Schedule” shall be substituted.

9. *Amendment of section.*—In section 15 of the principal Act, for the words “Third Schedule” wherever they occur, the words “Fourth Schedule” shall be substituted.

10. *Amendment of section 16.*—In section 16 of the principal Act, in sub-section (1B), for the words “Third Schedule” at both the places where they occur, the words “Fourth Schedule” shall be substituted.

11. *Amendment of section 21.*—In section 21 of the principal Act, in the *Explanation*, for the words and figures “sections 22, 23 and 25”, the words and figures “sections 22, 23, 24 and 25” shall be substituted.

12. *Amendment of section 23.*—In section 23 of the principal Act, in sub-section (1), for the words and figures “section 25”, the words and figures “section 24 and 25” shall be substituted.

13. *Insertion of new section 24.*—After section 23 of the principal Act, the following section shall be inserted, namely:—

“24. *Audited accounts of banking companies not to be questioned.*—(1) Where any dispute of the nature specified in section 22 between an employer, being a banking company, and its employees has been referred to the said authority under that section and during the course of proceedings the accounts of the banking company duly audited are produced before it, the said authority shall not permit any trade union or employees to question the correctness of such accounts, but the trade union or the employees may be permitted to obtain from the banking company such information as is necessary for verifying the amount of bonus due under this Act.

(2) Nothing contained in sub-section (1) shall enable the trade union or the employees to obtain any information which the banking company is not compelled to furnish under the provisions of section 34A of the Banking Regulation Act, 1949 (10 of 1949).”.

14. *Amendment of section 27.*—In section 27 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Nothing contained in this section shall enable an Inspector to require a banking company to furnish or disclose any statement or information or to produce, or give inspection of, any of its books of account or other documents, which a banking company cannot be compelled to furnish, disclose, produce or give inspection of, under the provisions of section 34A of the Banking Regulation Act, 1949 (10 of 1949).”.

15. *Amendment of section 31A.*—In section 31A of the principal Act, in the proviso, for the words “Provided

that", the words "Provided further that" shall be substituted and before the proviso as so amended, the following proviso shall be inserted, namely:—

"Provided that any such agreement or settlement whereby the employees relinquish their right to receive the minimum bonus under sub-section (2A) of section 10 shall be null and void in so far as it purports to deprive them of such right."

16. *Amendment of section 32.*—In section 32 of the principal Act,—

(a) clause (vii) shall be omitted;

(b) in clause (ix),—

(i) sub-clause (ff) shall be omitted;

(ii) in sub-clause (g), after the words "financial institution" the brackets and words "(other than banking company)" shall be inserted.

17. *Substitution of new sections for section 34.*—For section 34 of the principal Act, the following sections shall be substituted, namely:—

"34. *Employees and employers not to be precluded from entering into agreements for grant of bonus under a different formula.*—Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act:

Provided that no such agreement shall have effect unless it is entered into with the previous approval of the appropriate Government:

Provided further that any such agreement whereby the employees relinquish their right to receive the minimum bonus under sub-section (2A) of section 10 shall be null and void in so far as it purports

to deprive them of such right:

Provided also that such employees shall not be entitled to be paid bonus in excess of—

(a) 8.33 per cent of the salary or wage earned by them during the accounting year if the employer has no allocable surplus in the accounting year or the amount of such allocable surplus is only so much that, but for the provisions of sub-section (2A) of section 10, it would entitle the employees only to receive an amount of bonus which is less than the aforesaid percentage; or

(b) twenty per cent of the salary or wage earned by them during the accounting year.

34A. *Effect of laws and agreements inconsistent with the Act.*—Subject to the provisions of sections 31A and 34, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award, agreement, settlement or contract of service."

18. *Amendment of the First Schedule.*—In the principal Act, the First Schedule shall be renumbered as the Second Schedule and,—

(a) in that Schedule as so renumbered—

(i) for the brackets, words and figure "(See section 4)", the brackets, words, figure and letter "[See section 4 (b)]" shall be substituted;

(ii) in column (2), against Item No. 2, for the entry "(d) Development rebate/Development allowance reserve.", the entry "(d) Development rebate/Investment allowance/Development allowance reserve." shall be substituted;

(b) before that Schedule as so renumbered, the following Schedule shall be inserted, namely:—

### THE FIRST SCHEDULE

[(See section 4 (a))]

#### COMPUTATION OF GROSS PROFITS

Accounting Year ending.....

Item No.	Particulars	Amount of sub-items	Amount of main items	Remarks
1	2	3	4	5
		Rs.	Rs.	
*1.	Net Profit as shown in the Profit and Loss Account after making usual and necessary provisions.			
2.	Add back provision for:			
	(a) Bonus to employees.			
	(b) Depreciation.			
	(c) Development Rebate Reserve.			See footnote (1)
	(d) Any other reserves.			See foot-note (1)
	Total of Item No. 2	Rs.		
3.	Add back also:			
	(a) Bonus paid to employees, in respect of previous accounting years.			See foot-note (1)
	(b) The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of—			
	(i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and			
	(ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason.			
	(c) Donations in excess of the amount admissible for income-tax.			
	(d) Capital expenditure (other than capital expenditure on scientific research which is allowed as a deduction under any law for the time being in force relating to direct taxes) and capital losses (other than losses on sale of capital assets on which depreciation has been allowed for income-tax).			See foot-note (1)

\*Where the profit subject to taxation is shown in the Profit and Loss Account and the provision made for taxes on income is shown, the actual provision for taxes on income shall be deducted from the profit.

1	2	3	4	5
	(e) Any amount certified by the Reserve Bank of India in terms of sub-section (2) of section 34A of the Banking Regulation Act, 1949 (10 of 1949).			
	(f) Losses of, or expenditure relating to, any business situated outside India.			
	Total of Item No. 3	..	Rs.	
4.	Add also income, profits or gains (if any) credited directly to published or disclosed reserves, <i>other than</i> —			
	(i) capital receipts and capital profits (including profits on the sale of capital assets on which depreciation has not been allowed for income-tax);			
	(ii) profits of, and receipts relating to, any business situated outside India;			
	(iii) income of foreign banking companies from investments outside India.			
	Net total of Item No. 4	..	Rs.	
5.	Total of Item Nos. 1, 2, 3 and 4			
	..	Rs.		
6.	<i>Deduct:</i>			
	(a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax).			See foot-note (2)
	(b) Profits of, and receipts relating to, any business situated outside India.			See foot-note (2)
	(c) Income of foreign banking companies from investments outside India.			See foot-note (2)
	(d) Expenditure or losses (if any) debited directly to published or disclosed reserves, <i>other than</i> —			
	(i) capital expenditure and capital losses (other than losses on sale of capital assets on which depreciation has not been allowed for income-tax);			
	(ii) losses of any business situated outside India.			
	(e) In the case of foreign banking companies proportionate administrative (overhead) expenses of Head Office allocable to Indian business.			See foot-note (3)
	(f) Refund of any excess direct tax paid for previous accounting years and excess provision, if any, of previous accounting years relating to bonus, depreciation, or development rebate, if written back.			See foot-note (2)
	(g) Cash subsidy, if any, given by the Government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes.			See foot-note (2)
	Total of Item No. 6		Rs.	
7.	Gross profits for purposes of bonus (Item No. 5 minus Item No. 6).		Rs.	

*Explanation.*—In sub-item (b) of item 3, “approved gratuity fund” has the same meaning assigned to it in clause (5) of section 2 of the Income-tax Act.

*Foot-notes—*

- (1) If, and to the extent, charged to Profit and Loss Account.
- (2) If, and to the extent, credited to Profit and Loss Account.
- (3) In the proportion of Indian Gross Profit (Item No. 7) to Total World Gross Profit (as per Consolidated Profit and Loss Account, adjusted

as in Item No. 2 above only’.

19. *Amendment of the Second Schedule.*—In the principal Act, the Second Schedule shall be renumbered as the Third Schedule and in that Schedule as so renumbered,—

- (a) in column (2), against Item No. 1, for the word “Company”, the words “Company, other than a banking company” shall be substituted;
- (b) after Item No. 1 and the entries relating thereto, the following item and entries shall be inserted, namely:—

1	2	3
“2. Banking company	<p>(i) The dividends payable on its preference share capital for the accounting year calculated at the rate at which such dividends are payable;</p> <p>(ii) 7.5 per cent of its paid up equity share capital as at the commencement of the accounting year;</p> <p>(iii) 5 per cent of its reserves shown in its balance-sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year;</p> <p>(iv) any sum which, in respect of the accounting year, is transferred by it—</p>	

- (a) to a reserve fund under sub-section (1) of section 17 of the Banking Regulation Act, 1949 (10 of 1949); or  
(b) to any reserves in India in pursuance of any direction or advice given by the Reserve Bank of India, whichever is higher:

Provided that where the banking company is a foreign company within the meaning of section 591 of the Companies Act, 1956 (1 of 1956), the amount to be deducted under this Item shall be the aggregate of—

- (i) the dividends payable to its preference shareholders for the accounting year at the rate at which such dividends are payable on such amount as bears the same proportion to its total preference share capital as its total working funds in India bear to its total world working funds;  
(ii) 7.5 per cent of such amount as bears the same proportion to its total paid up equity share capital as its total working funds in India bear to its total world working funds;  
(iii) 5 per cent of such amount as bears the same proportion to its total disclosed reserves as its total working funds in India bear to its total world working funds;  
(iv) any sum which, in respect of the accounting year, is deposited by it with the Reserve Bank of India under sub-clause (ii) of clause (b) of sub-section (2) of section 11 of the Banking Regulation Act, 1949 (10 of 1949), not exceeding the amount required under the aforesaid provision to be so deposited.”;

(c) in the *Explanation*, for the figures, brackets and word “1 (iii) and 3 (ii)”, the figures, brackets and word “1 (iii), 2 (iii) and 3 (ii)” shall be substituted.

**20. Amendment of the Third Schedule.**—In the principal Act, the Third Schedule shall be renumbered as the Fourth Schedule.

**21. Repeal and saving.**—(1) The Payment of Bonus (Amendment) Ordinance, 1977 (9 of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, by virtue of the amendments thereto made by the said Ordinance, shall be deemed to have been done or taken under the principal Act by virtue of the corresponding amendments thereto made by this Act.

Assented to on 24th December, 1977.

# THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ACT, 1977

(ACT No. 44 OF 1977)

AN

ACT

further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1977.

**2. Insertion of new section 26.**—In the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952) (hereinafter referred to as the principal Act), after section 25, the following section shall be inserted and shall be deemed to have been inserted with effect on and from the 21st day of March, 1977, namely:—

‘26. *Special provision as to certain requisitions under Act 42 of 1971.*—(1) Notwithstanding anything contained in this Act, any immovable property requisitioned or purported to have been requisitioned by the Central Government or by any officer or authority to whom powers in this behalf have

been delegated by that Government, under the defence of India Act, 1971, and the rules made thereunder (including any immovable property deemed to have been requisitioned under the said Act), which has not been released from such requisition before the appointed day, shall.—

(i) if such property was requisitioned on or before the 21st day of March, 1977, as from that date, and

(ii) if such property was requisitioned at any time after such date, as from the date of its requisition,

be deemed to have been requisitioned by the competent authority under the provisions of this Act for the purpose for which such property was held immediately before the appointed day and all the provisions of this Act shall apply accordingly:

Provided that in determining the compensation payable under this Act in respect of any property so deemed to have been requisitioned under this Act, the sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the matters specified in clause (b) of sub-section (2) of section 8 shall be reduced by the sum or sums if any, paid or payable in respect of such matter or matters as compensation in respect of such property under the Defence of India Act, 1971, and the rules made thereunder.

(2) Save as otherwise provided in sub-section (1), the provisions of the Defence of India Act, 1971 and the rules made thereunder, in so far as those provisions relate to the requisitioning of any such immovable property as is referred to in sub-section (1), shall, as from the 21st March, 1977, cease to operate except as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply upon such cesser of operation as if such cesser were a repeal of an enactment by a Central Act.

*Explanation.*—In the section, “appointed day” means the 23rd September, 1977.”

**3. Repeal and saving.**—(1) The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1977, (Ord. 12 of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

## THE APPROPRIATION (NO. 4) ACT, 1977

(Act No. 45 of 1977)

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1977-78.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Appropriation (No. 4) Act, 1977.

2. *Issue of Rs. 942,37,71,000 out of the Consolidated Fund of India for the year 1977-78.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nine hundred and forty-two crores, thirty-seven lakhs and seventy-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1977-78, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

## THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
2	Agriculture .. Revenue	10,00,00,000	..	10,00,00,000
	Capital	..	25,00,00,000	25,00,00,000
5	Forest .. Revenue	1,00,000	..	1,00,000
7	Department of Rural Development .. Revenue	20,00,00,000	83,000	20,00,83,000
12	Chemicals and Fertilizers Industries .. Revenue	25,01,86,000	..	25,01,86,000
	Capital	3,01,89,000	..	3,01,89,000
16	Foreign Trade and Export Production .. Revenue	29,00,00,000	32,000	29,00,32,000
	Capital	139,87,00,000	..	139,87,00,000
32	Power Development .. Revenue	6,11,01,000	..	6,11,01,000
	Capital	117,80,00,000	..	117,80,00,000
34	Ministry of External Affairs .. Capital	5,38,00,000	..	5,38,00,000
40	Transfers to State and Union Territory .. Revenue	121,95,00,000	..	121,95,00,000
	Government Capital	..	353,05,00,000	353,05,00,000
49	Medical and Public Health .. Revenue	4,29,30,000	..	4,29,30,000
	Capital	87,76,000	..	87,76,000
53	Department of Personnel and Adminis- .. Revenue	10,92,000	..	10,92,000
	trative Reforms			
56	Other Expenditure of the Ministry of Home .. Revenue	2,000	..	2,000
	Affairs			
63	Industries .. Revenue	5,00,00,000	..	5,00,00,000
	Capital	20,00,000	..	20,00,000
64	Village and Small Industries .. Capital	4,50,00,000	..	4,50,00,000
82	Ports, Lighthouses and Shipping .. Capital	20,55,00,000	..	20,55,00,000
84	Department of Steel .. Capital	1,000	29,00,00,000	29,00,01,000
86	Mines and Minerals .. Capital	12,20,79,000	..	12,20,79,000
89	Department of Rehabilitation .. Revenue	3,86,00,000	..	3,86,00,000
100	Atomic Energy Research, Development and .. Capital	5,00,00,000	..	5,00,00,000
	Industrial Projects			
105	Department of Space .. Capital	56,00,000	..	56,00,000
Total		535,31,56,000	407,06,15,000	942,37,71,000

Assented to on 24-12-1977

# THE COMPANIES (AMENDMENT) ACT, 1977

(ACT No. 46 OF 1977)

AN  
ACT

further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Companies (Amendment) Act, 1977.

2. *Amendment of section 10E.*—In the Companies Act, 1956 (1 of 1956) (hereinafter referred to as the principal Act), in section 10E, in sub-section (4D), for the words and figures “Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898)”, the words and figures “Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

3. *Amendment of section 58A.*—In section 58A of the principal Act, after sub-section (7), but before the *Explanation*, the following sub-section shall be inserted, namely:—

“(8) The Central Government may, if it considers it necessary for avoiding any hardship or for any other just and sufficient reason, by order, issued either prospectively or retrospectively from a date not earlier than the commencement of the Companies (Amendment) Act, 1974 (41 of 1974), grant extension of time to a company or class of companies to comply with, or exempt any company or class of companies from, all or any of the provisions of this section either generally or for any specified period subject to such conditions as may be specified in the order:

Provided that no order under this sub-section shall be issued in relation to a class of companies except after consultation with the Reserve Bank of India.”.

4. *Amendment of section 108H.*—In section 108H of the principal Act, the words, figures, letters and brackets “and, any reference in section 108A, 108B, and 108C to “same management” shall be construed as a reference to “same management” as defined in clause (g) of section 2 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969)”, shall be inserted at the end.

5. *Amendment of section 220.*—In section 220 of the principal Act,—

(i) in sub-section (1), after the words “balance sheet and the profit and loss account were so laid”, the words, or “where the annual general meeting of a company for any year has not been held, there shall be filed with the Registrar within thirty days from the latest day on or before which that meeting should have been held in accordance with the provisions of this Act,” shall be inserted;

(ii) in sub-section (2), after the words “does not adopt the balance sheet”, the words “, or, if the annual general meeting of a company for any year has not been held,” shall be inserted.

6. *Amendment of section 293.*—In section 293 of the principal Act, in sub-section (1), in clause (e), for the words “twenty-five thousand rupees”, the words “fifty thousand rupees” shall be substituted.

7. *Amendment of section 620.*—In section 620 of the principal Act, for sub-section (2), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 1st day of February, 1975, namely:—

“(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft

before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.”.

8. *Insertion of new section 634A.*—After section 634 of the principal Act, the following section shall be inserted, namely:—

“634A. *Enforcement of orders of Company Law Board.*—Any order made by the Company Law Board under section 17, section 18, section 19, section 79, section 141 or section 186 may be enforced by that Board in the same manner as if it were a decree made by a Court in a suit pending therein, and it shall be lawful for that Board to send, in the case of its inability to execute such order, to the Court within the local limits of whose jurisdiction,—

- in the case of an order against a company, the registered office of the company is situated, or
- in the case of an order against any other person, the person concerned voluntarily resides, or carries on business or personally works for gain.”.

9. *Amendment of section 635.*—In section 635 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Where any order made by the Company Law Board under section 17, section 18, section 19, section 79 or section 186 is required to be enforced by a Court, a certified copy of the order shall be produced to the proper officer of the Court required to enforce the order and the provisions of sub-sections (2) and (3) shall, as far as may be, apply to every such order in the same manner and to the same extent as they apply to an order made by a Court.”.

Assented to on 25th December, 1977.

# THE BETWA RIVER BOARD (AMENDMENT) ACT, 1977

(ACT No. 47 OF 1977)

AN

ACT

to amend the Betwa River Board Act, 1976.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Betwa River Board (Amendment) Act, 1977.

2. *Amendment of section 4.*—In section 4 of the Betwa River Board Act, 1976 (63 of 1976) (hereinafter referred to as the principal Act), in sub-section (3), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) where the same Union Minister is not in charge of both Irrigation and Power, the Union Minister in charge of Power or such Minister or Deputy Minister in the Union Ministry or Department in charge of Power as may be specified in this behalf by the Union Minister in charge of Power;

(b) the Chief Ministers of Madhya Pradesh and Uttar Pradesh; and

(c) the Ministers of Madhya Pradesh and Uttar Pradesh in charge of Finance, Irrigation and Power.”.

3. *Amendment of section 7.*—In section 7 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the Central Government may, with the concurrence of the Governments of Madhya Pradesh and Uttar Pradesh, appoint an officer of the Central Government as the Financial Adviser.”.

4. *Amendment of section 10.*—In section 10 of the principal Act,—

(a) in clause (a), after the words “Rajghat Dam and appurtenant works”, the words and brackets “and for the generation of power at Rajghat Dam, including the construction of a power house (hereinafter referred to as the Rajghat Power House) near the dam and appurtenant works” shall be inserted;

(b) in clause (d), after the words “Rajghat Dam”, the words “and the Rajghat Power House” shall be inserted.

5. *Amendment of section 11.*—In section 11 of the principal Act, in sub-section (1), in clause (ii), for the words “Rajghat Dam including appurtenant works”, the words “Rajghat Dam and Rajghat Power House including appurtenant works and on the generation of power at Rajghat Dam” shall be substituted.

6. *Amendment of section 12.*—In section 12 of the principal Act, in sub-section (2), in clause (b), for the words “and the regulation of Rajghat Reservoir”, the

words “, the regulation of Rajghat Reservoir and the generation of power at Rajghat Dam” shall be substituted.

7. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (2), in clause (c), for the words “Rajghat Dam and appurtenant works”, the words “Rajghat Dam, the Rajghat Power House and appurtenant works” shall be substituted.

Assented to on

# THE SUPREME COURT (NUMBER OF JUDGES) AMENDMENT ACT, 1977

(ACT NO. 48 OF 1977)

AN  
ACT

further to amend the Supreme Court (Number of Judges) Act, 1956.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Supreme Court (Number of Judges) Amendment Act, 1977.

2. *Amendment of section 2.*—In section 2 of the Supreme Court (Number of Judges) Act, 1956 (55 of 1956), for the word “thirteen”, the word “seventeen” shall be substituted.

## भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

## PART I

### PUBLIC WORKS DEPARTMENT NOTIFICATIONS

Simla-2, the 7th October, 1978

No. PBW-A (5) 7/76.—In exercise of the powers conferred under clause (a) of sub-section (2) of section 2 of the Himachal Pradesh Minor Canals Act, 1976 (Act No. 42 of 1976), the Governor, Himachal Pradesh is pleased to order that the canals shown in the Schedule are included in Schedule II of the aforesaid Act with immediate effect.

#### SCHEDULE

Sl. No.	Name of the source	Name of kuhl in Chamba district	Name of Tikkas/ Mauza irrigated
1.	Bari Nala & Pudan Nala	Bari & Pudan Nala-ki-kuhl.	Mohal Bari Patwar Circle Sanooh.
2.	Sarog Nala	Sarog Nala-ki-kuhl.	Mohal Sarog, Patwar Circle Kihar.
3.	Rote Nala	Bhalie-ki-kuhl	Mohal Bhalie.
4.	Ichholi Nala	Ichholi-ki-kuhl	Village Ichholi.
5.	Dudheri Nala	Titrahar-ki-kuhl	Village Titrahar, Lamogh, Chand-roon.
6.	Birwari Khad	Birwari-ki-kuhl	Mohal Birwari
7.	Khilgran Nala	Khilgran-ki-kuhl	Mohal Rhilgran
8.	Phangei Nala	Phangei-ki-kuhl	Mohal Dalota.

(In Tehsil Churah, District Chamba)

Simla-2, the 7th October, 1978

No. PWB-A(5)9/76.—In exercise of the powers conferred under clause (a) of sub-section (2) of section-2 of the Himachal Pradesh Minor Canals Act, 1976 (Act No. 42 of 1976) the Governor, Himachal Pradesh is pleased to order that the canals shown in the schedule are included in Schedule II of the aforesaid Act with immediate effect.

#### SCHEDULE

Sl. No.	Name of source	Name of Kuhl	Name of Mohals irrigated /
1	2	3	4
1.	Seobag Malha	Seobag-Bihal Kuhl.	Seobag, Kais
2.	Mohal Khad	Shamshi-Ropa Kuhl.	Shamshi, Ropa, Khokan,

(in Tehsil and District Kulu)

By order,  
B. C. NEGI,

Commissioner cum-Secretary.



## PART V

In the Court of Sh. R. K. Mahajan, Senior Sub-Judge,  
Solun, District Solun (H. P.)

11/2 OF 1978

Devi Chand s/o Sh. Kalu Ram and Miss Gita  
Devi daughter of Kalu Ram (Minors), Smt. Durgi  
Devi wife of Sh. Durga Ram, r/o village Pahta,  
Tehsil Arki, District Solun (H.P.) ..Plaintiff

General Public

.. Defendant.

Petition under section 8 Hindu Minority Guar-  
dianship Act

To

The General Public.

Whereas Smt. Durgi Devi has filed a petition  
under section 8 Guardian and Wards Act, in this  
court for appointment of Guardian of person of  
the minor and of the property of minors till they  
attain majority. Notice is hereby given to the General  
Public that if any well wisher and kinsman have  
any objection to the appointment of Guardian of  
the person of minor he should file the same in this court  
on or before 25-11-78 at Solun, failing which no  
objection shall be entertained.

Given under my hand and seal of the court  
this 26th day of October, 1978.

Seal.

R. K. MAHAJAN,  
Senior Sub-Judge, Solun.

### PROCLAMATION UNDER ORDER 5 RULE 20 C.P.C.

In the Court of Shri Ram Lal, Subordinate Judge, 1st  
Class, Ghumarwin, District Bilaspur, Himachal Pradesh

CIVIL SUIT No. 66/1 OF 1977

Shri Dina s/o Shri Kapura, caste Brahmin, resident  
of village Baddgoun, Pargana Bachhretu, Tehsil Ghum-  
arwin, District Bilaspur, Himachal Pradesh ..Plaintiff.

Versus

Ramji s/o Shri Kharku, Caste Brahmin, resident of  
village Baddgoun, Pargana Bachhretu, Tehsil Ghum-  
arwin District Bilaspur Himachal Pradesh ..Defendant.

SUIT FOR DECLARATION

To

1. Thaukeri d/o Paras Ram, caste Brahmin, r/o  
village Dehan, 2. Munshi Ram s/o Sukh Lal, r/o  
village Chuhernal, Tehsil Sirsa, 3. Brahmi Devi, d/o  
Paras Ram, village Jaure-amb, Tehsil Badsar, 4. Rosh-  
ani Devi d/o Paras Ram, village Dehan, Tehsil  
Mehire, Hamirpur, 5. Giani d/o Paras Ram, r/o village  
Soherla, Post Office Bangana, District Una, 6. Veper-  
vahi Devi d/o Paras Ram, r/o Village Soherla, Post Office  
Bangana, 7. Khayalo wd/o Paras Ram, r/o village  
Baddgoun, Tehsil Ghumarwin, District Bilaspur, Hima-  
chal Pradesh ..Defendants.

Whereas in the above mentioned civil suit it has  
been proved to the satisfaction of this court that  
the above noted defendants are evading the service of  
the summons and cannot be served in the normal  
course of service. Hence this proclamation under  
order 5 rule 20 C.P.C. is hereby issued against them  
to appear in the Court on 29-11-1978 at 10 A.M.  
personally or through an authorised agent or pleader to  
defend the suit failing which *ex parte* proceedings  
will be taken against them.

Given under my hand and the seal of this Court  
today this 25th day of October, 1978.

Seal.

RAM LAL,  
Sub-Judge, 1st Class,  
Ghumarwin.

In the Court of Shri Ram Lal, Subordinate Judge, 1st Class  
Ghumarwin, District Bilaspur, Himachal Pradesh

CIVIL SUIT No. 127/1 OF 1977

1. Gorkhu, 2. Nainu ss/o Shri Nandu, resident of  
village Marhana, Pargana Ajmerpur, Tehsil Ghumarwin,  
District Bilaspur, Himachal Pradesh ..Plaintiffs.

Versus

1. Nikku s/o Nandu, resident of village Marhana,  
Pargana Ajmerpur, at Present r/o Village  
Mundkhar, Tehsil and District Hamirpur, Himachal  
Pradesh, 2. Slamati Khan, 3. Ilam Deen ss/o Shri  
Sohanu, r/o village Marhana, Pargana Ajmerpur,  
Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh  
..Defendants.

SUIT FOR POSSESSION THROUGH PRE-EMPTION  
PUBLICATION NOTICE UNDER ORDER 5 RULE 20 C.P.C.

To

Shri Nikku s/o Shri Nandu, resident of village  
Marhana, Pargana Ajmerpur, Tehsil Ghumarwin, District  
Bilaspur, Himachal Pradesh at present r/o village Mund-  
khar, Tehsil and District Hamirpur, Himachal Pradesh  
(Defendant).

Whereas in the above mentioned civil suit it has  
been proved to the satisfaction of this court that the  
above mentioned defendant is evading the service of  
the summons and cannot be served in the normal  
course of the service. Hence this proclamation under  
order 5 rule 20 C.P.C. is hereby issued against him to  
appear in the Court on 15-12-1978 at 10 A.M. perso-  
nally or through an authorised agent or pleader to  
defend the case failing which the *ex-parte* proceedings  
will be taken against you.

Given under my hand and the seal of the Court to-  
day this 25th day of October, 1978.

Seal.

RAM LAL,  
Sub-Judge 1st Class,  
Ghumarwin.

कार्यालय श्री परमा नन्द, सब-रजिस्ट्रार सालन, जिला सोलन

दरखास्त बगल तहसील रजिस्ट्री (वसीयत नामा) तहरीर करदा  
दिनांक 29-4-77 जेर दफा 40 व 41 रजिस्ट्रेशन ऐक्ट ।

दरखास्त श्री C. Baljees पुत्र श्री D. Baljee निवासी  
जाखू शिमला तहसील व जिला शिमला, हि. प्र. साथल ।

बनाम

ग्राम जनता

.. परोक्ष दायन

इस्तहार बनाम सर्वे साधारण जनता

सर्वे साधारण जनता को इस इस्तहार द्वारा सूचित किया जाता है  
कि कार्यालय हजा में श्री C. Baljees पुत्र श्री D. Baljee  
निवासी जाखू शिमला ने दरखास्त बाये करने रजिस्ट्री वसीयतनामा  
जो श्रीमती तारा मुकरजी बेवा श्री राजगुरु राजेश्वर नाथ मुकरजी  
निवासी वान मुहल्ला सोलन ने बहक रामा कुशना मठ बेलडोर हावड़ा  
(बैस्ट बंगाल) तहरीर किया है यदि किसी शख्स को इस वसीयत  
नामा की रजिस्ट्री (वसीयत) किये जाने में कोई उजर हो तो वह  
मिति 21-11-78, 10 बजे दिन कार्यालय उपरोक्त में हाजर हो कर  
पेश करे बाद गुजरने मयाद कोई एतराज समायत न होगा ।

अज बतारीख 13-10-78 दस्तखत हमारे और मोहर कार्यालय से  
जारी हुआ ।

मोहर ।

परमा नन्द,  
सब-रजिस्ट्रार, सोलन ।

